

THE
ANNALS OF IOWA,

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STATE HISTORICAL SOCIETY,

AT

IOWA CITY.

—❖❖ OCTOBER, 1871. ❖❖—

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ANNALS OF IOWA.

VOL. IX.

IOWA CITY, OCTOBER, 1871.

No. 4.

THE EARLY HISTORY OF IOWA.

BY CHARLES NEGUS.

[Continued from page 580.]

THE CONSTITUTION OF IOWA, AND THE FIRST STATE LEGISLATURE.

THE legislature, which met on the first of December, 1845, passed no act until after the first of the following February. The late depression in business had been felt all over the country, and thousands had been reduced from opulence to poverty and want. Many, who had married large fortunes, had not only lost their own property, but the means obtained by their wives had been taken to the last cent to pay the debts of their misfortunes, and their wives and families left penniless. A great many persons of this character came to Iowa for the purpose of retrieving their fortunes. Owing to these circumstances, woman's rights was a popular question, and this legislature, for the first time in Iowa, passed an act concerning the rights of married women. This act provided that if any married woman "became seized or possessed of any real estate in her own name, and as of her own property," unless she obtained it through her husband, it "should in no case be liable for the debts of her husband."

There was an act passed at this session defining the boundaries of the counties of Wayne, Lucas, Warren, Polk, Marshall, Jasper, Story, Boone, Dallas, Madison, Clark, and Decatur; also acts making provisions for organizing the counties of Appanoose, Benton, Jasper, and Polk — the last three to be organized, and have all the privileges of other organized counties, after the first of the coming March, and the first after the first of the next August.

But the most important measure of that session was a law providing for a convention for the purpose of making another constitution. The law provided that the convention should consist of thirty-two members— only about one-half of the number composing the first convention. The delegates were to be citizens of the United States, to have resided six months in the territory previous to the time of their election, to be elected at the April election, and meet at Iowa City on the first Monday of the next May. The constitution, when formed, was to be submitted to the vote of the people at the next August election, for their rejection or ratification; and, if ratified, it was then to be sent to congress, to be admitted into the Union as a sovereign state. This constitution varied, in some respects, very materially from the first constitution, particularly on banking.

Sometimes small things produce great results. Such was probably the case in forming this constitution. Ver Planck Van Antwerp, soon after his difficulty with Bainbridge, sold out his interest in *The Iowa Capital Reporter* to Jesse Williams, and being disaffected towards the democracy of Iowa, left the territory and went to St. Louis, where he started a paper to advocate the claims of Thomas H. Benton for a reelection to the United States senate. He conducted this paper until after there was a change in the administration of the general government, by James K. Polk succeeding John Tyler. Finding his paper at St. Louis a losing concern, and having devoted himself zealously in securing Benton's election to the senate, and relying on his friendship and influence, he was an applicant for an office under the new administra-

tion. He first sought a foreign mission, then to be commissioner of the general land office, but failed to get either. He was offered the position of receiver in the land office at Fairfield, which he took, gave up his paper, moved back to Iowa, and aspired to be the leader of the democratic party. Soon after the bill authorizing another convention had become a law, Van Antwerp got up a convention of the democrats of Jefferson county, before which, at his own instance, he introduced a series of resolutions, laying down the provisions that should be incorporated into the constitution.*

* The following are the resolutions:—

Resolved, That the following provisions (in substance) ought, in the opinion of this meeting, to be adopted as part of the constitution of the state of Iowa, by the convention which will assemble at Iowa City on the first Monday of May next; to-wit:—

1. No religious test to be required as a qualification for holding office, or for any other purpose, under any pretense whatever.
2. The right of suffrage to be made as broad and comprehensive as it is in any of the states that now compose the Union (except that negroes shall never vote), and to embrace persons not yet citizens of the United States, but who have declared their intention to become such, have resided in the state for a year thereafter, and possess the other qualifications required of citizens.
3. All elections to be by ballot, except those by the legislature; the latter to be *viva voce*, and the vote of each member to be entered upon the record.
4. No bank or other institution ever to be created by the legislature with the power of issuing its own notes, or the notes of any other bank, public institution, or private individuals, and a further prohibition against the issuing, by any individual or individuals, of all bills, checks, promissory notes, or other paper, to circulate as money.
5. Monopolies, being contrary to the genius of a free government, and dangerous to the rights of the people, never to be allowed. A total prohibition, therefore, to be made against the passage by the legislature of any special act of incorporation for any purpose whatever; but that body to be left to enact general laws under which associations for literary, religious, and other purposes may be formed and regulated, every member of such association to be held individually liable for all claims against the body of which he is a member.
6. The election of every officer (including judges of the supreme and circuit courts) that can be conveniently chosen by the people, to be given to them.
7. The credit of the state never to be loaned to any man, or set of men, for any purpose whatsoever; and the provisions against the creating of a state debt, enacted by the convention which assembled at Iowa City in October, 1844, to be substantially adopted.
8. The legislature not to assemble oftener than once in two years, unless called together in recess by proclamation of the governor; and that never to be done for light and trivial causes, but only in case of pressing emergency.
9. The per diem compensation of members of the legislature not to exceed three dollars per day for the first sixty days from the commencement of the session. If they continue in session longer than that, they shall receive no compensation for it.
10. No imprisonment for debt to be allowed.
11. No lottery to be authorized, and the sale of lottery tickets in Iowa to be prohibited.
12. No divorce to be granted by the legislature.

The convention was fully attended, and the resolutions met with but little opposition, except those in relation to corporations. After Van Antwerp had read his resolutions, it was decided to pass upon each resolution separately.

The fourth section (relative to banking) having been again read, Charles Negus moved to amend the same by adding thereto the words "unless a bill to charter a bank shall first have been passed by the votes of two-thirds of the members of the legislature, and afterwards submitted to the people for their confirmation or rejection." On this motion a spirited and protracted debate arose, in which Charles Negus, Samuel Shuffleton, George Acheson, William H. Lyons, W. E. Graff, and Van Antwerp participated — Negus and Acheson sustaining the motion, and the others opposing it. This amendment was voted down, with but three dissenting votes; and all the resolutions, as offered, were adopted by the same vote. These resolutions, with the proceedings of the meeting, were published in the democratic papers throughout the territory.

For the purpose of sustaining the provisions of his resolutions, Van Antwerp was anxious to be a delegate to the convention, and offered himself as a candidate, but failed to

13. No law passed by the legislature to embrace more than one object, and that to be distinctly stated in the title.

14. The duration of all offices not fixed by the constitution never to exceed four years.

15. The sessions of neither house of the legislature to be held with closed doors, except in time of war.

16. The most liberal provisions to be made for the cause of education, and especially for the increase and encouragement of common schools.

17. Every person to be disqualified from holding office in Iowa who shall have been convicted of having given or offered a bribe to secure his election or appointment.

18. All civil officers to be required to reside within the state, and all district or county officers, with their offices, at such place therein as may be required by law.

19. The extension of our territory to the Missouri river as the western boundary of the state to be adhered to, and made a *sine qua non* to our admission into the Union.

20. And, lastly, provision shall be expressly made that, as a true basis of representation, a new census of the people shall be taken prior to the first election under a state government; and, further, that the constitution, after having been submitted to congress, if altered by that body, either in regard to the boundaries of the state or any other essential particular, shall not go into effect unless first ratified by the vote of a majority of the qualified electors of the territory, at an election to be subsequently held.

be elected. Though having no right to participate in the proceedings of the convention, fearing his views, particularly on the banking question, might not be adopted, he attended as a lobby member during the whole session; and the result was, most of the provisions of his resolutions were incorporated into the constitution. And thus the convention held in Jefferson county had much to do in shaping the destinies of Iowa.

The delegates met at Iowa City on the fourth of May, and organized their body by electing Enos Lowe president and William Thompson secretary; and closed their labors on the seventeenth of the same month, having been in session a little over two weeks.

The only questions which elicited much debate, and met with strong opposition, were the boundary and that portion of the constitution in relation to corporations. The boundary, after being fully discussed, was settled by adopting the boundaries of the first constitution, except on the north and north-west. The parallel of forty-three degrees and thirty minutes north latitude was made the northern boundary of the state, and instead of starting in the north-west, from the mouth of the Sioux river, "thence in a direct line to the middle of the main channel of the St. Peter's river, where the Watonwan enters the same," it ran up the main channel of the Sioux until it reached the parallel of the northern boundary.

Curtis Bates, a democrat from Johnson county, as chairman of the committee on corporations, made the following report:—

"1. No corporate body shall be hereafter created, renewed, or extended, with banking or discounting privileges.

"2. The stockholders in all private corporations, except corporations for the purpose of education, charity, or religion, shall be responsible in their individual and private capacity for all debts and liabilities of every kind incurred by such corporation.

"3. The legislature have the power to amend or repeal all laws creating private incorporations."

J. Scott Richman, of Muscatine county, moved to amend by striking out the second and third sections, and inserting:

“WHEREAS, All sovereignty resides in the people, and the creating of a corporate body is one of the highest acts of sovereignty, therefore this convention concludes that the people have the right, through their representatives, to grant such corporate privileges as may be deemed conducive to the public good.”

Shepherd Leffler, of Des Moines county, moved to amend the amendment by adding the following:—

“Or the right to prohibit them altogether, through this convention, their representatives, if the people should deem such prohibition for the public good.”

This amendment was agreed to, but the amendment of Richman, as amended by Leffler, was defeated.

Bates moved to amend the report by striking out the first and second sections, and inserting:—

“1. No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper, or papers of any bank, to circulate as money.

“2. Corporations shall not be created in this state by special laws, except for political or municipal purposes; but the legislature shall provide, by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law.”

John Ronalds, of Louisa county, moved to amend the first section of Bates's amendment by adding the following:—

“Unless the law creating such corporate body, or renewing or extending its privileges, shall be published in the newspapers in this state at least four months preceding a general election for county officers, and shall receive at such election a majority of all the votes polled for and against said law.”

This amendment was voted down by a vote of twenty to eleven.

Thomas Dibble, of Van Buren county, moved the following for the first section:—

“No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money, except the question of corporation, with the law enacting the same, before it becomes a law, shall have been submitted to a vote of the whole people, at some convenient election, the majority of whose votes shall be deemed a confirmation of the same.”

Which substitute was adopted by a vote of sixteen to fifteen.

Dibble then moved to amend by adding the following as a second section:—

“The general assembly may at any time propose alterations, or a repeal of any such corporations that may have been created, and any such proposition shall be submitted to the people, as provided in the foregoing section, and shall be confirmed in like manner.”

Samuel A. Bissell, of Cedar county, moved to amend the amendment of Dibble by substituting the following:—

“The general assembly shall have power to repeal, alter, or amend any act of incorporation, when satisfied that its operations are not conducive to the public welfare.”

This amendment was lost by a vote of sixteen to fourteen; when the motion was put on Dibble's amendment, and it was adopted by a vote of twenty-eight to three.

Leffler moved to amend the report as follows:—

“No act of incorporation shall be submitted to the people until the same shall have been published at least twelve successive weeks in at least twelve of the weekly newspapers published in the state, provided that number of newspapers are published at the passage of such act; nor shall such publication be made until the parties applying for such act of incorporation shall have deposited with the state treasurer a sum sufficient to defray the expenses of such publication.”

Richman moved to amend the amendment by striking out the words "twelve of the weekly," and insert "six of the weekly," which was lost by a vote of twenty-seven to four; and Leffler's amendment was adopted by a vote of twenty-five to six.

Leffler moved a further amendment: —

"Corporations shall not be created in this state by special laws, except for political or municipal purposes; but the general assembly shall provide, by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which has been provided for in the foregoing section. The stockholders shall be subject to such liabilities and restrictions as shall be provided for by law."

Richman moved to amend the amendment by adding, "except corporations for internal improvements." This amendment was lost by a vote of twenty-three to seven; when the vote was taken on Leffler's amendment and adopted by a vote of twenty-seven to three.

Henry P. Haun, of Clinton county, moved to amend the third section by striking out the word "legislature," and insert "general assembly shall," and by adding the following words at the end thereof: "except as provided in the foregoing sections;" which amendment was not adopted.

Joseph H. Hedrick, of Wapello county, moved to amend the second section by adding the following: "To double the amount of stock subscribed respectively, after the means of such incorporations are exhausted. Which amendment was adopted by a vote of fifteen to fourteen.

David Olmstead, of Clayton county, moved to amend the second section by adding thereto the following: "And no stockholder shall be relieved from his responsibility by transferring his stock in such corporation to another person." This was adopted by a vote of sixteen to thirteen.

At this point the further discussion of the article on incorporations was postponed for one day, during which time it called forth much discussion outside of the convention.

When this question was called up again, Bates moved to strike out all in the article on incorporations, and insert the following:—

“No corporate body shall hereafter be created, renewed, or extended with the privileges of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

“The general assembly of this state shall prohibit, by law, any person or persons, association, company, or corporation from exercising the privilege of banking, or creating paper to circulate as money.

“Corporations shall not be created, in this state, by special laws, except for political or municipal purposes; but the general assembly shall provide, by general laws, for the organizing of all other corporations, except corporations with banking privileges, the creation of which is prohibited.

“The stockholders shall be subject to such liabilities and restrictions as shall be provided by law.

“The state shall not, directly or indirectly, become a stockholder in any corporation.”

This motion was adopted by a vote of twenty-one to nine, all the whig members voting against it.

These provisions, inserted in the constitution, entirely prohibited banking. The provisions on corporations met with much opposition from the people, especially those on banking, and the opponents used the first and every opportunity they had to change the clause on banking, until the same was accomplished. Probably this constitution would have remained the supreme law of the state for many years, had it not been for this prohibition; for, instead of producing a sound metallic circulating medium for business, as was the design of those who favored it, the paper of banks whose solvency was doubtful at home, found its way to Iowa, and probably no state in the Union had in circulation a more worthless and irresponsible currency than was found here during the time of the entire prohibition of banks.

There was much opposition to the constitution, and its opponents thought it would be defeated ; but there being a strong feeling in favor of a state government, many who were opposed to the provisions on incorporations voted in favor of it, claiming that these objections could easily be amended. At the August election there were polled eighteen thousand six hundred and eighty-five votes ; of this vote there were only five hundred and seventy of a majority in favor of adopting the constitution. In the month of September, as soon as the vote was officially known, Governor Clark issued his proclamation for an election of state officers and members of the legislature, which was held on the twenty-sixth of the following October.

As the Territory was about to assume a state government, there was a great struggle among the politicians to secure for themselves the offices of the new government. Besides the officers to be elected by the people, there were two United States senators and three supreme judges to be elected by the legislature, and it became quite an object with the politicians of both parties to secure the legislature. The democrats and whigs both thoroughly organized their parties, held conventions, and made nominations for the several offices. The democrats nominated Ansel Briggs, of Jackson county, for governor ; Elisha Cutler, of Van Buren county, for secretary ; Joseph T. Sales, of Dubuque county, for auditor ; Morgan Reno, of Johnson county, for treasurer. And the whigs nominated Thomas McKnight, of Dubuque county, for governor ; James H. Coles, of Van Buren county, for secretary ; Easton Morris, of Johnson county, for auditor ; and E. T. Smith for treasurer.

This election was carried on with a great deal of spirit on both sides, but the democrats succeeded in electing all the state officers and a majority of the representatives in the senate, but were not so fortunate in electing members to the house. Jonathan McCarty had recently become a citizen of Lee county. He was an old politician, noted as a public speaker, and as having much tact in political matters. Mc

McCarty had been a democratic representative in congress from Indiana for several years, but in the great political excitement of 1840 he abandoned the democratic party, and by the whigs of Indiana was placed at the head of their electoral ticket for General Harrison. The whig party in that state having fallen into the minority, and McCarty having lost his influence there with the democrats, moved to Iowa, and showed a disposition to accommodate himself to almost any political creed that would promote his individual interest. Lee county had generally given a large democratic majority; but there had been for several years much difficulty about the titles to a large tract of land in the southern part of that county, generally known as the "half-breed tract," and the settlers on these lands had carried their difficulties into politics, and voted for men who favored their interests, irrespective of politics. McCarty living on the disputed tract, had identified himself with the settlers, and succeeded in getting up a ticket for members of legislature of men friendly to the interests of the settlers — part of whom had previously acted with the democratic party and part with the whig party, and all of whom were disposed to cast their votes in the legislature in his favor for United States senator. This ticket was called, by their opponents, the "'possum (opossum) ticket," and being supported by nearly all of the votes on the half-breed tract, was elected; and these members of the legislature were generally designated as the "'possum members."

Lee county, at that time, was entitled to five members of the house and two senators. There being only thirty-nine members of the house and eighteen senators, the representatives from this county had great influence in the legislature. In Des Moines county the parties were very nearly equally divided, though the democrats had generally succeeded in carrying the elections, and at this election there was a great struggle for the ascendancy. This county had five members of the house and two senators, which made it quite an object with each party to carry the county, and unusual means were resorted to for success. The county was

polled by the whigs, and, as far as possible, the political views of each voter ascertained. This showed that the democrats had a majority of about thirty, and in order for the whigs to carry this county, they had, by some means, to overcome this majority. Fitz Henry Warren, who had been unfortunate in business in the east, for the purpose of retrieving his fortune, came west, located himself at Burlington, and had become quite an active politician — so much so that he was looked upon as the leader of the whigs in that county. Warren soon devised a plan by which enough democratic votes could be disposed of so as to give the whigs the majority. Warren was employed in a mercantile house which was engaged in the pork-packing business, and he managed to get about thirty democrats who made their living by day labor, to go out into the country, at different points, to drive in hogs for the firm with which he was connected, and promised them high wages for their services. These men, the day before election, not suspecting any trick, but feeling more desirous about making a few dollars for the support of their families than about voting at the election, went out to the several places assigned them, for the purpose of driving hogs. Here they were kindly received by those who understood matters, and were detained until it was too late for them to reach home in time to vote, when they were paid for their time and sent home. By depriving the democrats of this number of votes, the whigs carried the county and elected whigs to the legislature. The democratic politicians made a great ado about this manner of “swindling the dear people,” while the whigs had their sport, and laughed about it as a good joke.

In Keokuk county the democrats had a large majority, but owing to a dispute about the county seat, the party was divided, and they had two candidates before the people for the legislature. Nelson King, who had previously been of rather doubtful character, professing himself to be a whig, became a candidate on his own responsibility, and, there being two democrats running against him, he received a plurality of the votes, and was declared elected.

The election of whigs in Des Moines and Keokuk counties made the parties so close that the representatives from Lee county held the balance of power, and could control the elections which were to be made by the legislature. The material of which this legislature was composed made it exceedingly doubtful which party would succeed in electing supreme judges and United States senators, and it became an object with politicians to bring inducements to bear on the members to influence their votes.

The legislature convened at Iowa City on the 30th of November, 1846, and the house was organized by electing Jesse B. Brown (an active whig), of Lee county, speaker, and the senate by electing Thomas Baker (a democrat), of Polk county, president of the senate. These elections indicated that the whigs, in joint convention, would have two majority. Under these circumstances, there were great efforts made to secure the vote of one or two of those who acted with the whigs in organizing the legislature to vote with the democrats in electing judges and senators, for one vote would make a tie and prevent an election, and two would enable the democrats to elect their men.

King, of Keokuk county, having been elected by a plurality vote over his two democratic opponents, and representing a county largely democratic, was thought, by some of the political managers, a proper subject to operate upon; and, as a first inducement, a paper was gotten up and circulated through his county, and signed by a majority of all the voters in the county, instructing him to vote for a democrat. This move being known by the whigs, and they fearing that King might be influenced by such instructions, caused them to watch him very closely and show him special attention; and for a while King commanded more attention from both parties than any other member of the legislature. Josiah Clifton and Reuben Conlee, of Lee county, also received great attention. Clifton and Conlee, previous to their election, professed to be democrats; but their votes in organizing the legislature, indicated that they were going to throw their influence for the benefit

of the whigs, and hence great efforts were made to retain them with the democrats.

S. T. Marshall, of Lee, having previously been well acquainted with King, as a citizen of his own county, and been employed by him as an attorney to defend him in a case in which he had been arrested, in his attempts to influence King in his votes, made a little too free with his old client while under the guardianship of the whig politicians.

On the afternoon of the ninth of December, the legislature then having been in session ten days, and the members thus far had almost entirely been engaged in canvassing and electioneering, as soon as the house was called to order, King, with a hurried step, approached the clerk's desk, and laid upon it a five dollar bill and two pieces of paper, and said he wished to make a statement. These movements surprised most of the members of the house, and not knowing what the conduct of King meant, from a curiosity to hear, unanimous consent was given for him to proceed, when he said, "That since he had presented his credentials and taken his seat as a member of this house, he had been approached by several different persons relative to the casting of his vote for United States senators; and that several distinct propositions of money and other rewards had been offered him if he would vote for Gen. Dodge for senator, or J. C. Hall, or either of them, as may or might be determined upon, which determination was to be made known to him (King), previous to the casting of his vote for United States senator; and that they would secure him from all blame or suspicion by procuring written instructions from his (King's) constituents, instructing him so to vote. And further, that S. T. Marshall gave him a five dollar note on the state bank of Ohio, on yesterday evening, and told him to call on him at any future time, and he would give him one hundred dollars, or any amount he wanted. And further, that said Marshall told him (King) that it was Dodge's money. He also gave him two receipts

of indebtedness,* in all of which proceedings he had acted under the advice and full knowledge of Mr. Goodrell, and others of his friends. And for the purpose of fully exposing the corruption and the determination to bribe members by men, who, while here, are employed for the purpose, and that other members of this house might be placed on their guard, and be prepared to act under the full knowledge of their designs, he made this statement."

Upon this statement of King, the house immediately appointed a committee of five, which was subsequently increased to seven, to investigate the charges of bribery, and authorized the speaker to issue his warrant for the arrest of Marshall.

On the next day Marshall appeared at the bar of the house, and the sergeant-at-arms was ordered to keep him in custody till further orders of the house. Marshall made a request of the house that he might be heard in his defence by his attorneys, James Grant and Frederick D. Mills, but this request was not granted. It was claimed inasmuch as the matter had been referred to a committee, they had nothing to do with the investigation. This committee was composed of W. C. Cochran, of Lee, Andrew Leech, of Davis, Samuel Whitmore, of Jefferson, Alfred Hebard, of Des Moines, Robert Smith, of Linn, Stuart Goodrell, of Washington, and John Z. Morton, of Henry county. The committee was composed of four whigs and three democrats. To conduct the case before the committee, Henry W. Starr was appointed counsel on the part of the state, and Grant and Mills for Marshall. James G. Edwards, editor of the *Hawkeye*, and A. H. Palmer, editor

*The following is a correct copy of the papers handed to the clerk by King at the time :

WEST POINT, NOVEMBER 26, 1846.

MR. NELSON KING.—Sir :—Please to pay S. T. Marshall or bearer, ten dollars and fifty cents on my account, and oblige
(Evidence.)

WILLIAM STOTTS.

Received Payment. S. T. MARSHALL.

DECEMBER, 1846.

I, S. T. Marshall, hereby release and relieve all my right, title and claim, or claims which I may have against Nelson King for legal services done heretofore and this shall be his receipt.

S. T. MARSHALL

of the *Iowa Capital Reporter*, were appointed clerks to take down the testimony.

The committee continued their investigations till the third of February, before making a report. There was a large number of witnesses called before the committee, but none of them knew anything to implicate Marshall except King and Johnson C. Chapman; the latter had been chosen fireman. Chapman had made a written statement to John F. Sanford, a member of the senate from Van Buren county, soon after the meeting of the legislature, in which he said :

"I hereby certify that on Monday, December 2, 1846, I was authorized by Col. William Patterson, of Lee county, Iowa, to offer Josiah Clifton and Reuben Conlee, each, the use of one hundred dollars for ninety-nine years, if desired, without interest, if they would give their votes in an election then about to come on for United States senator, in the general assembly, for such a man or men as the said William Patterson would name for the office. Also, I was authorized by Col. Patterson and Silas Haight, to offer Josiah Clifton, individually, and on their part, and on the part of their associates, to enter into a bond of ten thousand dollars, if necessary, to secure him an appointment in the land office, as register, or receiver; providing he would vote for the men for the United States senate, whom they would name. The above named Conlee and Clifton are members of the house of representatives, of Iowa."

Although there were many witnesses examined, and some underwent lengthy and rigid examinations, the statements of King and Chapman contained the only direct evidence elicited by the committee. The other witnesses testified to nothing of importance except what they had learned from these two men, and they were of such doubtful character, that the whigs did not care about assuming the responsibility of taking any decisive measures on such testimony, and risk their popularity before the people.

Marshall, a few days after his arrest, was released on his parole, but remained at Iowa City, until the committee had

got through with their examination ; when he went home unmolested, and was never troubled afterwards.

The committee made their report, which consisted of only the testimony taken, without any recommendation, which was laid on the table, and this ended the whole affair.

During the progress of this examination, King had a personal difficulty with A. H. Palmer, one of the clerks of the committee. Palmer and his brother had recently purchased the office of the *Iowa Capital Reporter*, and were the publishers and editors of that paper. Palmer, in speaking of King, had published in his paper some very severe things, and among others, he had intimated that the offence for which Marshall had defended him, in Lee county, was for stealing bacon. This intimation aroused King's fighting propensities, so much so, that one day when Palmer was about leaving the committee room, not suspecting any danger, King followed him, and, just as he was about stepping out of the door, seized hold of him. King being a much stouter man than Palmer, overcame him, and was about to give him a severe beating. Palmer, after having received a few blows about the face, broke loose from King's grasp, so that he drew a pistol, and was in the act of shooting his adversary, when some of the bystanders interfered and separated them. This being the third editor of that paper who had got a whipping for things they had published, was a source of much amusement with the whigs, and in their bar room discussions it was held that a whipping was a necessary prerequisite, in order to qualify an editor to conduct that paper.

The excitement about bribing members of the legislature having subsided, they commenced to think about having an election for senators ; both parties thinking they could get enough of the 'possum vote to secure the election of their own partizan. After the exchanging of several messages between the house and senate as to the time, they finally agreed to go into joint convention on the eighteenth day of December. This agreement was consummated without there having been made any arrangement between the two houses for conduct-

ing the business of the convention. When the senators went into the representative hall, Baker, the presiding officer of the senate, who was an unassuming man, had held several territorial offices, and had accustomed himself to be polite to everybody, walked up to the stand for the purpose of taking the chair, to preside over the joint convention, Brown, who had been a military man and accustomed to give command, already being in the chair, sternly refused to give it up. It being quite an object with each party to have the presiding officer, the difference in opinion as to who was the proper officer to preside over the joint convention, called forth much feeling and a spirited debate. Brown having possession of the chair, and being sustained by the whigs, retained his position, and he and the clerk of the house acted as the officers of the joint convention.

When this question was decided, Thomas H. Benton, of Dubuque, and G. W. Bowie, of Des Moines county, were appointed tellers, and the call of the roll commenced. The hall, though crowded with spectators, was as still as death, and the most intense anxiety was depicted in the countenance of each individual. The members of the convention and those in the lobby, all being anxious to learn how each man voted, were held in breathless silence, and nothing disturbed the quiet but the calling of the roll by the clerk, and the response of the members. As soon as the vote was over, it was announced that Jonathan McCarty had received twenty-nine votes, Thomas Wilson twenty-eight votes, and G. C. R. Mitchell, one; that there was no choice, and that the convention would proceed to another ballot.

By this time the stillness of the room had changed into a perfect bedlam of confusion, some laughing, some mad and cursing, some hallooing at the top of their voices — "Mr. Speaker" — and others trying to effect a compromise, by which they could elect one whig and one democratic senator.

Owing to the confusion, it was a long time before the speaker could entertain any motion, or proceed with the business of the convention. At this ballot all the whigs and 'possums

voted for McCarty, except Samuel Fullenwider, a senator from Des Moines county, who, by casting his vote for Mitchell, defeated McCarty's election. This course was supposed to be a preconcerted arrangement, and well understood by a part if not all of the whigs, to show that they could elect McCarty, who was very odious to the democrats, with a view of effecting a compromise, by which a thoroughgoing whig and a true democrat should be elected senators; but the democrats refused to make any compromise.

On the part of the democrats, an adjournment was immediately moved. On this motion, twenty-eight voted in the affirmative, and thirty in the negative. This motion, in different shapes was repeated by the democrats six times, without there being any opportunity for any other business, and during these votes there was the greatest confusion and tumult.

On the sixth vote, Clifton and Conlee, thinking that the whigs were about to drop McCarty, their favorite candidate, voted with the democrats on the motion to adjourn till the fifth of January, and thus closed the session of the joint convention.

On the 19th of December, the legislature adjourned till the 5th of January. The members doubtless being desirous of consulting with their constituents as to the proper course for them to pursue in relation to the election. During this adjournment, Conlee was taken sick and died, so the whigs could now expect only one majority on joint ballot.

On the fifth of January, the day set for the joint convention, the house appointed a committee of two to act with a like committee on the part of the senate, to prepare rules for the government of the joint convention. The senate referred this proposition of the house to a special committee, with instructions to report at some future day. At two o'clock in the afternoon, the house informed the senate that they were ready to receive them in joint convention for the election of senators. The senate upon receiving this message, adjourned, and the democratic members immediately dispersed, so that all prospects of an election on that day vanished.

At the commencement of the session, the democrats, in caucus, had agreed to support Augustus C. Dodge and Thomas Wilson for senators. Jacob Huner, a senator from Lee county, professed to be a democrat, but was opposed to the election of Dodge. At the commencement of the session he had indicated his willingness to vote with the democrats, if they would drop Dodge and take up some other man, but at that time the leading politicians refused to do it, and Huner voted with the whigs.

After the session of the joint convention, the democrats held another caucus and withdrew Dodge's name, and took up Verplank Van Antwerp. But the leaders not yielding to Huner's wishes at the commencement of the session, he in turn became obstinate, and refused to vote for any democrat, unless they would vote for him for senator. The democrats, not feeling disposed to vote for Huner, and seeing no chance for electing any other person of their party, resolved not to hold an election, if they could prevent it. There were several efforts on the part of the house, and the whigs of the senate to elect supreme judges and senators, but the democrats of the senate voted against going into joint convention, and having a majority in that body, the legislature, after sitting till the 25th of February, adjourned without electing either judges or senators, and Iowa, for the first two years after organizing a state government, was not represented in the United States senate.

[TO BE CONTINUED.]

THE FIRST DEMOCRATIC LEGISLATIVE CAUCUS IN THE STATE OF IOWA.

COUNCIL BLUFFS, IOWA, JULY 31st, 1871.

EDITOR OF THE ANNALS OF IOWA:— It may be interesting to some of your readers to read the proceedings of the democratic caucus at which the first senators of the United States

from the state of Iowa were put in nomination. I believe it was not the practice of either party at that time, to publish the proceedings of their political caucuses; but at this late day, I suppose, I will hardly be charged with a breach of confidence, if I make public the proceedings had in caucus of the then dominant party, both in the state and the Union, inasmuch as it goes to show who were the prominent men of our state a quarter of a century ago. In order to a full understanding of the subject, it may be proper to give the names of the members of each house of the general assembly; which are as follows — democrats, in roman; whigs, in italics:

SENATE. — Thomas S. Espy, *James Sprott, George G. Wright*, John J. Selman, Barney Royston, P. M. Casady, *Milton D. Browning*, Alfred S. Fear, *Evan Jay*, John Howell, *Francis Springer*, R. R. Harbour, *Loring Wheeler, John P. Cook*, P. B. Bradley, Theophilus Crawford, John G. Shields, and Freeman Alger.

HOUSE. — W. C. Read, C. J. McFarland, Michael H. Walker, Samuel Norton, Isaac W. Griffith, John Alexander, Wil-
lard Elmer, *W. W. McMannaman, Abner H. McCrary*, Reuben Riggs, Joseph H. Flint, *William M. Allison*, Lysander W. Babbitt, Manly Gifford, Thomas L. Sargeant, J. L. Corse, John Penny, George Davidson, *Hugh R. Thompson, Mark Burroughs, Samuel D. Woodworth*, George Weyand, William Baker, Andrew Collins, Joseph F. Harrison, *Wright Williams, Stewart Goodrell* William Jacobs, Smiley H. Bonham, John D. Evans, James D. Bourne, Jeremiah C. Betts, *Abraham Timmons*, Dennis A. Mohony, Nathan G. Sales, James Langton, Mr. Wood, and Mr. Stephenson.

Of the members of the Senate, *M. D. Browning* and *John P. Cook*, who were then whigs, are now acting and voting with the democratic party, and *John J. Selman* was at last accounts a fierce republican. The democratic members of the house now living are still democrats, and the whig members are republicans.

Of the members of the senate, GEORGE G. WRIGHT has since been elected one of the supreme judges of the state, and is

now one of the United States senators from this state. M. D. BROWNING, has occupied the position of United States district attorney for the state of Iowa. FRANCIS D. SPRINGER, and P. M. CASADY, have each held the office of district judge, Mr. Casady has held the office of receiver of the United States land office, and J. P. COOK has been elected a member of congress.

Of the members of the house, C. J. McFARLAND, has held the office of district judge, and J. W. GRIFFITH, L. W. BABBITT, N. G. SALES, and STEWART GOODRELL have each held the office of register or receiver in the United States land office. This much, Mr. Editor, as a preface. Now for the proceedings of the caucus.

"At a meeting of the democratic members of the general assembly held in the hall of the house of representatives, Tuesday evening, December 5th 1848, on motion of C. J. McFarland, of Lee county, Joseph H. Flint, of Wapello county, was called to the chair, and on motion of J. L. Corse, of Des Moines county, Lysander W. Babbitt, of Marion county, was elected secretary.

On motion, George Williams was appointed sergeant at arms.

On motion of J. W. Griffith, of Lee county, all persons not democratic members of the senate or house, were requested to leave the hall. On motion of J. L. Corse, of Des Moines, the roll was called, and the following gentlemen answered to the call:

SENATE.—Selman, Harbourn, Casady, Fear, Crawford, Shields, Bradley, Howell, Alger, Espy, Royston.

HOUSE.—Alexander, Babbitt, Baker, Betts, Bonham, Collins, Corse, Davidson, Elmer, Evans, Flint, Gifford, Griffith, Jacobs, Langton, Harrison, Mahony, McFarland, Norton, Penny, Read, Riggs, Sales, Sargeant, Walker, Weyand, Wood.

Mr. Mahony moved that the caucus now proceed to vote for candidates for United States senators. Upon which motion the yeas and nays were ordered, and were as follows:

YEAS. — Alexander, Babbitt, Baker, Corse, Davidson, Elmer, Flint, Gifford, Griffith, Jacobs, Mahony, Norton, Penny,

Read, Riggs, Sargeant, Walker, Harbour, Casady, Fear, Howell, and Royston. — 22.

NAYS. — Betts, Bonham, Collins, Evans, Harrison, Langton, McFarland, Sales, Weyand, Wood, Selman, Shields, Bradley, Espy, Crawford, and Alger. — 16.

The motion of Mr. Mahony having prevailed, Mr. Bradley moved that the vote taken for senators be an informal vote. Mr. Mahony moved to amend by adding "and if any person voted for has a majority of all the votes cast, he be declared duly nominated."

The question being taken on Mr. Mahony's amendment, the amendment was lost. The question on Mr. Bradley's motion was carried in the affirmative.

The caucus then proceeded to an informal ballot, Messrs. Bonham and Harrison acting as tellers, which resulted as follows:

Augustus C. Dodge.....	38
V. P. Van Antwerp.....	4
George W. Jones.....	11
Stephen Hempstead.....	7
——— Smith.....	2
Joseph Williams.....	1
P. B. Bradley.....	2
Thomas F. Wilson.....	10
Charles Mason.....	1

Whereupon, on motion of C. J. McFarland, Augustus C. Dodge was nominated by acclamation.

Mr. Bradley moved that the caucus take a recess for fifteen minutes, and that the members from the north meet together for consultation, which motion was lost.

Mr. Harbour moved that the caucus proceed to a formal ballot for a second candidate for United States senator; which motion prevailed. The vote being taken resulted as follows:

Wilson.....	11
Jones.....	14
Hempstead.....	8
Van Antwerp.....	4
Mason.....	1

There being no choice, on motion of Mr. Selman, the caucus proceeded to a third ballot, with the following result :

Jones	15
Wilson	12
Hempstead	9
Van Antwerp	1
Mason	1

The caucus having failed to make a choice, on motion of J. W. Griffith a fourth ballot was had with the result following, the names of all candidates but Jones and Wilson, being withdrawn :

Jones	28
Wilson	10

On motion of Mr. Bradley, George W. Jones was nominated by acclamation.

On motion of Mr. Bradley, the caucus adjourned until tomorrow (Wednesday) evening, to meet at 7 o'clock, for the purpose of nominating candidates for Judges of the supreme court.

JOSEPH H. FLINT, *Chairman.*

L. W. BABBITT, *Secretary.*

[TO BE CONTINUED.]

THE IMPORTANCE OF THE MISSISSIPPI RIVER TO THE STATE OF IOWA AND THE NORTH-WEST.

BY J. E. GRIFFITH, C. E. IN CHARGE OF LOCK AND STONE WORK,
DES MOINES RAPIDS CANAL, KEOKUK, IOWA.

Situated as the state of Iowa is, geographically considered, it is an inland state, but commercially it is most assuredly not so; or at least it should not be. It lies between the Mississippi and Missouri rivers which, combined, constitute the largest navigable stream in the world. It does not require a very sagacious mind to comprehend the design of the Archi-

fect of the Universe in extending to the interior and through the heart of the greatest agricultural country in the world, rich in soil and mineral wealth, abundant in intelligence and enterprise, the most beautiful river, the "Father of Waters," coursing its way from the cold mountain peaks of the north-west through a country now abounding in peace, freedom and unity, to the sea. As a grand artery beating its way to the ocean, the heart of waters, it should throb with the life of the great north-west, and convey to the world the knowledge that, as long as its waters would tend to the grand reservoir — the Atlantic, so also would the Mississippi valley continue to prosper and thrive. It is said that the Mississippi river is a stream not commensurate with its apparent magnitude. Not so: it is true that there are obstructions at certain points whereby uninterrupted communication cannot be offered to the shippers and producers of Iowa with the sea; but these obstructions can and will be removed, provided the people of Iowa and other states of the Mississippi valley take an interest in the project and insist that their rights to a portion of the great improvement expenditures, be asserted. It is the duty of the representatives of this great state to *truly* represent the wants and wishes of their constituents, and demand with proper means, the disbursement of a goodly portion of the revenues of this country for the thorough and unimpeded improvement of the Mississippi river, so that we can ship our grain from Dubuque, Davenport, Muscatine, Burlington, and Keokuk direct to Europe, Brazil, and other foreign parts, without being subjected to the monopolizing influence of railroads, which have been, so far in the history of our state, corporation lotteries, whereby a few have prospered at the expense of the many. Although an increase of railroads will, in time, undoubtedly decrease the rates of tariff which we are compelled to pay in order to find a suitable market for the immense products of our fertile soil, and the industry of our population, still we will never attain the end which we deserve, until we fully take advantage of this grand avenue which the Almighty has caused to course on our very

borders. Surplus produce needs a market wherein we can compete with other states. Water lines of communication when properly managed have ever been of immense value to the countries which they drain. Canals have been constructed through portions of other states in order to afford outlets for cereals, live stock, and other sources of revenue. But we have a natural canal of great magnitude, an ocean in itself, whereby with a small amount of expenditure in improvements, our state can save millions in treasure. The only obstructions to the free navigation of the Mississippi are at Davenport and Keokuk. These can be overcome in two or three years. Already the channel improvements at the first named place are rapidly approaching completion, and in less than three years a heavily laden craft from the upper Mississippi can deposit its cargo safely in New Orleans or Mobile. To obviate the dangers of the delta of the Mississippi, a canal is being constructed from a point ten miles below New Orleans to the sound, west of Mobile, shortening the distance to the sea, and doing away with the risk which our valley has refused to assume in shipment of produce. At Keokuk, the Des Moines rapids are being flanked by means of a ship canal with three locks. At Rock Island a channel two hundred feet wide with five feet of water in lowest water known, is being excavated across the various chains or rapids which have been the terror of steamboatmen. The sandbars and snags of the river at various points are being cleaned out by artificial means. In other words, a few far-seeing minds have taken an interest in the improvement of the Father of Waters, and are working with herculean efforts to throw at our very doors the means of saving our moneys and benefiting our and other states. But the 1,200,000 population of Iowa should grasp the importance of this project. Let us now see what profit we will have in making the Mississippi river *our* channel of communication with the rest of the world. Let us see what we can effect, and how we can do away with the terrible railroad monopolies which have been the only drawbacks to the progress of our state. It is useless to suppose

that ALL are not interested in this matter, and it will be well worth the while for each and every thinking man of Iowa to study the matter thoroughly and lend his assistance in the prosecution of all the improvement plans. It is but a few years since the people of Iowa saw fit to consider the importance of the removal of rebel obstructions on the banks of the lower Mississippi. When Belmont, Columbus, Fort Pillow, Memphis, Vicksburg, and Port Hudson were placed in defiance of the rights of the northwest, of the free navigation of its waters, every man expressed his indignation by offering life, limb, or treasure in removing, by force of arms, the blockades. Since that successful opening of the river and removal of artificial obstructions, all seem to forget that a campaign is necessary for the removal of natural obstructions. Our state is in the era of enormous agricultural productions — surpassing the wildest estimate ever made by enthusiast. Our population is increasing at a wonderful rate. With the grand future now opening, with the prestige and renown of our noble state, with our fertile soil and salubrious climate, Iowa has before her a most magnificent destiny if it be not marred by folly and grasping avarice; nature has never spread a fairer and nobler field for the enterprising genius of human liberty than the great prairies of Iowa. Let the masses of the people therefore comprehend, accept, and vindicate their great destiny.

There is one proposition we can start with, and that is, that our productions here in Iowa exceed the capacity of transportation, and that enlarged water facilities must be had to the east in order to protect our producing classes from being robbed of the fruits of their earnings by the existing lines of communication. The present railroads and canals being wholly inadequate to transport our products, the people have to submit to any rates of freight that avarice and cupidity may demand. All the losses consequent upon the delays and irregularities attending this transportation of our products which flow from this state of things fall upon our producers. Our farmers must have other outlets for their products, and

at the earliest practicable moment too. Railroads have been constructed throughout the length and breadth of our state. The people expected to receive greater benefits thereby. True, they have realized some, but not in such quantity as would be commensurate with the assistance rendered by them to these companies. The whole railroad system of this state has now become a vast and terrible monopoly, hitherto unknown, and undreamed of in a free country. The people have been appalled by the impudence and boldness with which these merciless corporations have, without reason, excuse, or explanation advanced prices, and their just indignation is everywhere finding vent. It is a matter which comes home to every farmer, and finds its way to the firesides of all the cottages which dot our vast prairies. Are the hard earnings of the farmer, moistened with the sweat of his brow, to go into the already overgorged pockets of bloated and mammoth monopolies, or shall he be graciously permitted to have some of the fruits of his toil left to support his family, to support schools and educate his children, to improve his farm, to enlarge and beautify his home and enable him to occupy what should be the proud position of an Iowa farmer? These are questions that are coming home to the fireside of all the farmers. It may be said that the combined power and wealth of all these corporations are strong and overwhelming; that, by their constant efforts, acting in concert, and hedging up the avenues to public opinion by silencing the press, they will divide and distract, and finally defeat us. Admitting their power, managed by the best minds in the country, controlled by men of intellect and sagacity, backed up by untold wealth, the man who does not see in the future a terrific struggle between the oppressed and oppressor, is "neither a prophet nor the son of a prophet." By looking at the Mississippi river and thinking of the incalculable value of its broad expanse of water, the solution of the problem can be obtained. It is now known that the great drawback to the navigation of that river consists in the Rock Island and Des Moines Rapids. These obstructions interfere with the free navigation of the river to

an extent little known and but lightly appreciated. They are a tax of millions upon millions of dollars annually upon the people of the Mississippi valley, who live above them. With the rapids "cleaned out," the fabulous amounts of grain raised in western and northwestern Illinois, western Wisconsin, in Iowa and Minnesota, would find a market by the way of the Mississippi river and new Orleans, instead of by the lakes and canals, unless the prices of freight by this last named route should be reduced so that grain could go as cheap that way as by the river. In such a case, the farmers every where would have the benefit of the reduction of rates forced by the Mississippi competition. With the rapids improved, so that they would no longer be an impediment to the river navigation, there is no doubt in the minds of practical men who have thoroughly investigated the subject, that grain and flour can be taken to the seaboard market in the east vastly cheaper than present rates by the lakes and canals. With good navigation, with elevators and other facilities for moving grain at St. Louis and New Orleans, with new and competing lines of transportation, wheat can be transported from the upper Mississippi to New York for thirty five cents per bushel, while to-day it costs sixty cents or more per bushel to send it by way of Chicago and Buffalo. This is a saving to the producer of twenty-five cents per bushel in favor of the river route to market. The idea that wheat and corn will not bear transportation through the heats of the gulf stream is not well founded. With the regular and swift lines of propellers from New Orleans to the eastern cities, the transit of the products of the valley of the Mississippi would be quick and certain.

When we figure the vast amount of wheat raised in the states I have mentioned, which would find its way to the market by the river, were it unobstructed, we can readily see the millions of dollars which would be saved to the people of that section every year, counting the saving at twenty-five, twenty, or even fifteen cents per bushel. Remove these obstructions, and our producers will then have a convenient and adequate outlet to the markets on our own seaboard and of Europe.

They can market their grain in London and Liverpool, be successful competitors of European producers on their own soil, and eventually control the price of breadstuffs in the very center of the world's trade. In Europe land is scarce and rent ruinously high; the consequence is, that our farmers, who have cheap lands and mechanical labor can produce grain with profit, at figures that would ruin the European farmer. The only obstacle that prevents western producers from underselling and, by successful competition, driving foreign producers from their own market, is the want of cheap transportation. For the past five years the average price per bushel of wheat in London and Liverpool has been \$1.37 in gold, or \$1.90 of our own currency. The English farmers cannot produce it at a less cost with any profit. The land is mostly held by the nobility, who exact as rental therefor forty per cent. of the productions. Improve these rapids, and grain can be sent from Iowa to New Orleans for twenty cents, and thence to Liverpool for seventeen cents, including cost of trans-shipment; thus netting our farmers at least one dollar and fifty cents per bushel, and giving them the power to undersell the English farmer in his own market, and eventually compel him to seek other pursuits.

Nor is it unreasonable to suppose that three-fifths of the grain and flour of these states would choose the river route; because with uninterrupted navigation, grain will find a better market on the Mississippi than on the lake, and farmers in the eastern parts of Illinois and Wisconsin will find it to their interest to look westward to the new market thus established.

It is objected that wheat cannot be shipped through the gulf without injury. The fact is that the United States exports wheat and flour to Portugal, Brazil and Australia; and England imports largely from Turkey and Egypt. Yet all this commerce is across the tropics, through a climate subject to the influences which prevail in the gulf; besides, thirty years ago, before railroad connections between the east and the west, the surplus wheat of the Ohio valley was sent by flat-boats to New Orleans, and thence by vessel to New York; in

this way New Orleans came to enjoy a large export trade in produce. If wheat would bear shipment by that route then, will it not bear shipment by that route now? But it is a noticeable fact that this fear of wheat or flour spoiling in the gulf is of eastern origin; it comes through Chicago. It is an old story — much harped upon by enemies of river navigation that the Mississippi can *not* be so improved that it will have the capacity to compete with railroads. Not so; the improvements now going on will be satisfactory; all who see them believe so. The strongest river men, began, at one time, to think that they must learn pastoral life, and resign themselves to their fate, and allow the river to dwindle to insignificance. The aspect of affairs is now changed, and we promise to follow with our commerce our great river to the gulf.

Before the war, St. Louis did not export a single bushel of grain southward, in bulk, and as a consequence the market was easily glutted. Now, all is changed. One elevator of 1,250,000 bushels capacity at St. Louis, lines of boats and barges for cheap transportation south, floating elevators at New Orleans, and vessels towing this freight to all the world, make a picture calculated to gladden the hearts of the farmers of Iowa. The *promise* is that grain will go to Liverpool for thirty cents per bushel. Let improvements continue; let this commerce increase; let these rapids be improved; let 100,000,000 bushels be exported by way of this river, and the price here will be better one day and year with another, than it is in Chicago. Then will Iowa farmers be in as good a situation as Illinois farmers — nay, Illinois farmers will desire to change with us, even.

Chicago papers tell us sagely that we must address ourselves to raising stock; that we are too far off to raise corn, barley, and wheat for export. We tell Chicago — and we love and honor Chicago — her enterprise, her intelligence, her activity, and thrift we admire; she is a wonder, an American wonder; — but we tell her not to put on airs to her sister state. Iowa must have a state policy. We must magnify our rivers and their commerce. We must improve the good gifts that our

Father has given us ; we must have a policy. Our railroads must be operated as *Iowa* railroads, and they must not discriminate against the Mississippi as a channel of commerce. Let Illinois thrive. Let Chicago rise — we care not how high, but not by appropriating the fruit of our toil. Let her look out for Chicago, we will try to look out for Iowa. This state policy will, in the long run, be the best for all Iowa railroads. Let our farmers have cheap transit to the river, and the railroads across our state will be busy in carrying freight to the river. But if they insist in discriminating against the Mississippi, and forcing freight to Chicago, then soon the north and south roads will head them off by their routes to St. Louis, and their Chicago freights are gone.

During the coming winter let it be the main object of Iowa's representatives, as well as those of other states of the Mississippi valley, to obtain an appropriation that will quickly complete all these improvements. The sum appropriated last winter was so meager that work was stopped on August 1st, when there remained four of the best working months of the year. All this because there were no moneys. Compare the amounts appropriated annually for the improvement of harbors on sea and lake coasts, where the tonnage and shipments are slight, with the paltry sums given for the thousands of miles of our river coast, with its millions of tonnage and a billion of capital. Is it just ? Is it our proportion of the national treasure ? Most assuredly not. Let our press agitate the matter ; let our foremost men proclaim it in the halls of legislation, and in a short time the country at large will see that the great northwest is alive to its interests, and will have its rights. The consequence will finally be that the agricultural interests of Iowa and other western states will, in due time, become as advantageous, pecuniarily, as the commercial and manufacturing interests of the states of the east are to them.

OLD SOLDIERS.

[Although the following is not strictly connected with Iowa history, we cheerfully give it a place in the ANNALS, hoping it may stimulate some one to collect, for publication in these pages, the names and military records of those who have a home in Iowa, of that gallant little band, so long neglected by the Government, and now so fast disappearing from among us — the surviving soldiers of the war of 1812.]

BY F. SNYDER, MARYSVILLE, NODAWAY CO., MO.

As a matter of general interest, I present the readers of the ANNALS with a brief sketch of all the old soldiers now residing in Nodaway county, Missouri, as far as I have been able to ascertain any facts concerning their history :

James Guthrie, aged seventy-seven years, was a volunteer in Col. Richard M. Johnson's regiment of Kentucky mounted riflemen. He enlisted at Harrodsburg, Ky., and served upwards of six months. He was present at the battle of the Thames, October 5th, 1813.

Peter Moe, aged eighty-five years, served under Captain Morehouse, in Col. Peter Allen's regiment. He was at the battle of Queenstown, October 11th and 13th, 1812, in Col. Van Rensselaer's brigade. He was also at Lundy's Lane and Buffalo.

James Hanna, aged seventy-seven years, was a member of Capt. Andy Burns's company, in Col. Richard Shanklin's regiment. He enlisted at Union, Va., in 1814, and was discharged at the same place, January, 1815.

William B. Jones was a private in Captain William Jones's company, and in Colonel Jones's regiment Virginia militia. His age is seventy-five.

William D. Chilton (sometimes written Shelton), aged ninety years, enlisted at Edwardsville, Illinois, in 1813, in Captain Samuel Whiteside's company and Colonel William Russell's regiment. He was at a battle at Rock Island.

William Corken, aged seventy-nine years, enlisted in Ross county, Ohio, October 1, 1812, in Captain James Kilgore's

company — a company of horsemen attached to General Tupper's brigade.

William Jones was drafted in Ross county, Ohio, and started towards the front with his gun upon his shoulder, but hired a substitute on the way at \$20 per month, whereupon he returned home, as did also his substitute at the end of nine days thereafter.

Edgcome Slaughter was also in the war of 1812.

Ira B. Jobe was a private in Captain E. Duman's company (formerly commanded by Captain J. W. Stephenson), in a regiment of Illinois mounted riflemen, in the Blackhawk war. Mr. Jobe was badly wounded at the battle of Bad Axe, and at Wadam's Grove, Stephenson county, Illinois, and has drawn a pension since July 10, 1851.

George J. Smith, aged fifty-nine years, was a soldier in the Mexican war, and also in the war of the Great Rebellion. In the latter war he was a member of company H of the twenty-seventh Ohio infantry, and also a member of company D of the Veteran Reserve Corps.

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NOTES ON THE HISTORY OF POTTAWATTAMIE COUNTY.

BY D. C. BLOOMER, COUNCIL BLUFFS.

No. 2.

(Continued from page 533.)

Long before the Mormon rule in western Iowa had passed away, quite a number of "Gentiles" — a term applied to all persons who were not members of the Church of Latter-Day Saints — had been attracted to the locality for the purpose of trade with the people who made their temporary resting-place on either side of the Missouri. Mr. Donnell first opened a small store at Winter Quarters, on the west side of the Missouri, in the fall of 1847 or early part of 1848, and to that

place, in February of the latter year, came Mr. Jonathan B. Stutsman, to take charge of the business. He made the journey from St. Joseph on horseback, and he informs the writer that there was, at that time, but one house of any description between the south-west corner of the state and Winter Quarters. Mr. Stutsman remained at Winter Quarters, in charge of the business, until June, 1848, when the store was removed to the Iowa side of the river, at a point near the head of what was then known as Miller's Hollow. The business was here re-opened, under the well-known firm name of Stutsman & Donnell, in a small log building, and continued at the same place for a number of years. Just about the same time the Mormons also abandoned Winter Quarters, and generally took up their residence in the vicinity of Miller's Hollow, and also rapidly spread themselves over the surrounding country; but the point above named, afterwards known as Kanesville, and finally as Council Bluffs, continued to be the center of operations. Mr. Stutsman was, in fact, the first Gentile who settled among them. He soon after married, and is a resident of the place at the present time, and is still engaged in mercantile business. He built the first frame store house, and also the first frame dwelling house, erected within the present limits of the city of Council Bluffs. Being of a genial and accommodating disposition, he has always had hosts of friends, and is known far and wide among the early settlers.

The next new Gentile settler was Mr. Cornelius Voorhis, also still living in Council Bluffs. He arrived at Miller's Hollow on the 17th of August, 1848, and, in partnership with Eddy, Jamison, & Co., of St. Louis, opened a small store near the corner around which the future city was to grow. The building first occupied by him was on the south side of the street or road, but he soon erected a large log building on the opposite side and a little farther east, into which he removed in the fall of 1848, and which continued to be his place of business for a number of years, having only been removed within a year or two. Mr. Voorhis describes his residence here during the fall of 1848 and succeeding winter as

dreary enough, and he says that if the opportunity had offered he should have left the place, but there was little communication with the outside world, and he therefore remained, with his wife, waiting for better times to turn up.

Of course the followers of Joseph Smith enjoyed the situation well enough. They were far away from their Gentile persecutors, and had no fear of Missouri regulators or Illinois mobs; but for Gentiles who did not subscribe to their faith the prospect was dreary. But still these remote people had votes, or were supposed to have, and in the fall of 1848 they were visited by political missionaries, under whose manipulations their votes were cast for a whig candidate for congress. This vote, however, did not help him to a seat, for the poll books were stolen on their way to the place where they were to be canvassed. For president, the vote of Pottawattamie county in 1848 is given in the *Tribune Almanac* as 527 for Taylor and 42 for Cass, but it is added in a note that "Pottawattamie, where the Mormons reside," was not counted. For the part Orson Hyde and A. W. Babbitt took in these and other elections, the former acting generally with the whigs and the latter being a democrat, both were summoned to answer before the church at Salt Lake City. They responded to the summons. Hyde confessed his misdoings and asked forgiveness, which was granted, and he was therefore rebaptized and taken back into the church in full fellowship, and remained in it until his death. Babbitt, on the other hand, refused to admit that he had done anything wrong, and was therefore cut off from the church and never re-admitted to full fellowship, but remained on the outskirts, holding offices in Utah territory from the general government, and finally lost his life, in 1856, at the hands of the Indians, while on his way from the Missouri river with a valuable train for Salt Lake.

The next Gentile who took up his residence in Miller's Hollow was William B. Ferguson, of St. Louis. He engaged in trade with a Mormon named Needham, who subsequently removed to Salt Lake, while Ferguson returned to his former place of residence.

William R. Powers, whose wife was a Mormon, claims to have built the first house in Miller's Hollow, in 1847, and he still resides on the same spot where it was erected.

The sons of Davis Hardin, the original agent of the Pottawattamie Indians, continued to reside on the high bottom land, at or near a place marked on the old maps as Council Point, and the lands they then farmed still produce abundant crops of corn and wheat, although in continuous cultivation for nearly thirty years. Generally, however, the Gentiles did not trouble the Mormon settlements in 1848 and 1849 to any considerable extent.

The name of the place was changed to Kanesville, in honor of Thomas M. Kane, who had visited the place at an early day. During these years the church took cognizance of all offenses, and the severest punishment that could befall any one was to be cut off from fellowship. Life and property were secure, and no intoxicating drinks were sold or drank at the settlements. The people spread themselves over the surrounding country, and quite a considerable settlement was located on Pigeon creek, in the northern part of the county, and another on the Nishnabotany, in the southeastern part of the county, where a mill was built by Peter Haas and —. Weymeyer, and the place was afterwards known as Macedonia. In the northeastern part of the county another settlement was commenced, in and around Lewin's Grove. The first settlers here were Captain Joshua Headlee, William Henderson, and John Kritzinger, the latter of whom built a mill. Henderson settled in the midst of the timber, and proceeded to clear off a farm in regular Indiana style. On being asked, subsequently, why in the world he should do this, when he was surrounded by such beautiful prairies, he replied that he had always been accustomed to live in a timber country, and, by the grace of God, he intended to die in the midst of timber.

Eastward about one and a half miles from the line of bluffs at Kanesville quite a settlement was early made, along the valley of the Musketo, a stream crossing the county diagonally and entering the Missouri river near its southwestern corner.

Here Wick's old Indian mill was situated, and William Garner, Ezra Scofield, Simon Graybill, Alexander Follett, and Alexander Marshall preferred to remain, after the Church of Latter-Day Saints removed to the mountains. Others, from among the Gentiles, also settled in the same valley during the years 1852, 1853, and 1854, and it has been for many years one of the finest farming portions of the county. It is now traversed through its entire length by the Chicago, Rock Island, & Pacific Railroad. Deer were formerly very abundant along the Musketo, and venison, during the winter season, was furnished to the inhabitants in large quantities and at low prices.

During the year 1849 the emigration to Oregon and California across the plains commenced. A large proportion of these moving caravans crossed the river at Kanessville, and moved westward along the road so frequently followed by the Mormons on their way to and from Salt Lake City. The journey from the Mississippi to the banks of the Sacramento was a slow and toilsome one, and occupied from three to four months, but, urged on by the desire for gold and the prospect of rapidly acquiring wealth, the emigrants toiled on their way without complaint or murmuring. The journey was made in wagons of all sizes, drawn by horses, mules, and oxen, and the emigrants were composed almost entirely of young and adventurous men, drawn toward the Pacific by the famous gold mines just then opened on and near its shores. They stopped on their way in the Mormon city, and occasionally one of them tarried behind and made it his home. But the great emigration fairly began in 1850, when the whole country was covered with the vast caravans that moved slowly onward. Of course the facilities for trade and money-making multiplied, and the number of Gentiles began sensibly to increase on the streets of Kanessville. Saloons and gambling houses were opened during that and the following year, and courts for the enforcement of the laws began to be talked about. This summer, 1850, Joseph Tootle came up from St. Joseph and established an outfitting house, which was con-

tinued for a number of years, and was known throughout the country as the "Elephant Store." J. A. Jackson, so well known by all business men in the early history of this region, took charge of the business in 1851 — first as clerk and afterwards as partner, and thus was formed the firm of Teotle & Jackson, long one of the most prompt and enterprising in the entire western country.

Just about the same time — that is, 1850 — W. D. Turner, afterward treasurer of the county in 1853, S. H. Riddle, and J. L. Forman came to the county and connected themselves with trade in some form in Kanesville. Two or three steamboats came up from below and remained during the summer to ferry the emigrants across the river, often charging as high as ten dollars for transferring a single wagon and team from one bank to the other.

Dr. B. Y. Shelly commenced practice as a physician in Kanesville in 1850, and in the fall of that year S. E. Williams then a medical student, first arrived in the place. He was followed in 1851 by Dr. P. J. McMahon, who, in connection with Dr. Williams, at once secured an extensive practice and opened a drug store, the first in the village. B. R. Pegram arrived here this summer and commenced selling goods, in connection with a firm in St. Louis. A. S. Bryant also first settled in the county this year.

Trading in claims was a business in which all more or less engaged, and some very valuable locations were purchased from the Mormons about leaving for Salt Lake. This year (1850) the county of Pottawattamie, which had heretofore formed a part of Monroe county, was organized — all the officers being Mormons, as stated in the previous number of these notes.

The Robinson brothers, four in number, arrived at Kanesville in 1851, and soon began to be heard of among the population, although all were Gentiles. G. A. Robinson was appointed prosecuting attorney in the spring of 1853, and was elected to the same office in the fall, and for a time acted as county judge, after Burdick had left.

In 1852, as stated in a previous article, the Mormons moved off to Salt Lake in large numbers, almost depopulating the county in so doing. The Gentiles came in rapidly to supply their place, and this year there was again an immense emigration. One fact may be given to illustrate its extent. W. W. Powers, J. B. Stutsman, and two others established a ferry over the Elkhorn and another over Loup Fork, and during the season they received over \$50,000, all in gold, for transferring the emigration across these rivers. When they came to divide the money, at the close of the season, instead of counting it out, the partners seated themselves around a big table, and, after producing their bags of gold, proceeded to make four piles of the gold "rolers" (double eagles), and after all had been thus distributed, each party took one pile as his share of the business. Powers invested his money principally in the purchase of valuable claims (farms) on the Musketo, just east of Kanesville.

Early in the spring of this year, Mr. Samuel S. Bayliss, a native of Virginia, but who then resided in Illinois, after having spent some years in California, left St. Louis for Kanesville on the steamer Saluda. Arriving at Lexington, he determined to leave the boat, as he was convinced that it was unsafe. He had scarcely been off the boat ten minutes when it blew up, instantly killing the captain and from one hundred and fifty to two hundred of its passengers. Mr. Bayliss pursued his way up the river, and arrived in the county early in April. After looking over the ground for a couple of weeks, he determined to purchase a tract of about four hundred acres, comprising the farm and claim of Mr. Henry Miller, a well-known Mormon, about emigrating to Salt Lake, and the same who had given his name to the valley of Indian creek, at the mouth of which the claim was located. Mr. Bayliss also purchased the bishop's house, or place where the tithings had been paid. The deed, which was signed by Hyde, commenced as follows: "Jesus Christ and the Church of Latter-Day Saints sell to Mr. Samuel S. Bayliss," &c., &c. Mr. B. says he thought that ought to be a good deed. That year

Mr. Bayliss, who was soon after joined by his brother, Mr. Joseph D. Bayliss, and their families, raised a large crop of wheat, corn, and vegetables on the claim purchased of Miller, all of which found a ready sale to the emigrants during the ensuing autumn.

The emigration through the place this year was again very large, and many additions were made to the Gentile population, who purchased the old Mormon claims, often at very low prices. Among others who came to the county this year, were John T. Baldwin, Stephen T. Carey, William C. James, A. J. Bump, J. J. Johnson, and D. B. Clark. The last three immediately engaged in farming; Baldwin commenced selling goods; Carey was soon elected clerk of the district court, and James turned his attention to the law.

This season a single team, with a small hack, made the round trip from Des Moines to Kaneshville, traveling during the day and laying over at night. The entire journey, out and back, occupied from a week to ten days, according to the condition of the roads. The first station out of Kaneshville was at Silver Creek, and the second at Wheeler's Grove. The latter was kept by Mr. Noah D. Wheeler, and was long a noted point on the road across the state. About twelve miles east of this station was Indiantown, just in the western part of Cass county, and one of the places where a small colony of Morimons settled when the emigrants from Nauvoo first crossed the state.

A building called Hyde's New Hall, situated in the eastern part of the place, then known as Hyde street, but since as Madison street, was purchased June 22, 1852, for the sum of \$200. It was used for five or six years as a court house and school house, and for various other purposes. Near it was located the Union House, a large log building, and for several years the principal hotel in the place. Just at the intersection of this street with Broadway was the principal business center of the town. Here were the stores of Voorhis, Stutsman, Tootle, Ferguson, Pegram, and others. Here also was the drug store of Dr. McMahon, and near to it a famous saloon

and gambling house, known as the "Ocean Wave." A little way down, or westward, on Broadway, were the City Hotel, Nebraska Hall, and several other large buildings, including the Robinson House, which was quite a large structure of hewn logs, over which G. A. Robinson, in that and for several succeeding years, presided as landlord.

In 1852 the county was divided into three townships, known respectively as Kane, Macedonia, and Rockford. Kane comprised the village of Kaneshville and the adjacent part of the county; Macedonia comprised all the eastern part of the county, and Rockford the northwestern part of the county. This latter region had been quite extensively settled by Mormons, and contained a number of fine farms along the Missouri bottom and on Honey and Pigeon creeks.

The first Mormon settler was Hiram Bostwich, who came into the township in 1846, and is still a resident, and cultivates the same field he first opened up in 1848. The name Rockford, was derived from a gravelly ford across the Boyer river, and which was also the place used by the disciples of Joseph Smith for baptising their converts. Near this point was also the Mormon church, of the locality of which a Mr. Wood was president. The first school, perhaps, in the county was opened here, in 1848. The first Gentile settlers within the limits of Rockford township were Joseph Hill, Joseph Kirby, Robert McGarven, Samuel Kirkland, and Sherman Goss, who settled there in 1850 and 1851.

In 1851 the vote of Pottawattamie county on superintendent of public instruction was 397 for Woodward and 51 for Benton. In 1852, for president, it stood: 111 for Scott and 182 for Pierce.

The name of the town of Kaneshville, in Pottawattamie county, was, on the 19th of January, 1853, changed to Council Bluffs, the change in the name of the post office having been made some time previous. On the 24th of February, 1853, an act was also passed to incorporate the city of Council Bluffs, which was thus made a body corporate and invested with all the power and attributes of a municipal corporation.

H. D. Johnson, in the senate, and A. S. Bryant, in the house, were mainly instrumental in procuring the passage of these laws. Their selection of a name for the new city was fortunate, as it is the only place in the United States to which it has been applied. Early in April an election of mayor and councilmen was held in the new city, when the following appear to have been chosen: C. Voorhis, mayor; S. S. Bayliss, G. G. Rice, S. T. Carey, L. O. Littlefield, L. M. Klein, J. E. Johnson, J. K. Cook, and J. B. Stutsman, councilmen. At the first meeting of the new council, held April 13, 1853, all were present except Cook and Stutsman, who were each fined five dollars for non-attendance. The other officers, either elected or appointed, were: W. H. Robinson, recorder; M. W. Robinson, city marshal; A. D. Jones, city surveyor; G. P. Stiles, city attorney; Isaac Beebe, city supervisor, and G. A. Robinson, captain of the fire company. Very little business appears to have been transacted this year by the corporation authorities. The revenue of the city was derived from licenses issued to gambling houses and saloons, and the city treasurer, August 11, 1853, reported cash on hand amounting to \$283.78. On the 2d of July it was ordered by the city council that no official notice should be taken of the firing of squibs, guns, &c., until the 5th of the same month; so that the "Glorious Fourth" did not pass by unnoticed in the new city. During the latter part of the summer Mayor Voorhis resigned, and from that time the city government appears to have been in abeyance until the spring of 1855, when a new election was held and new officers elected.

Early in the year 1853 Mr. Samuel S. Bayliss determined to lay out his farm into town lots, and the plat of his first addition to the city was filed June 13, 1853, and of his second addition soon after. This was a most fortunate event for the growth of the city, as it brought into market an area of about four hundred acres of high, beautiful prairie, finely located just at the edge of the bluffs and extending westward from them about half a mile. Other additions were soon after added, and lots in all of them soon after came into demand.

Mr. Bayliss from the first pursued a very liberal course in disposing of his property, giving many lots away and selling others, in that and the following year, at very low prices. In connection with his brother, Mr. J. D. Bayliss, he proceeded to open a brick yard, and to burn several kilns of very fine brick that season. With these brick, the first ever manufactured in western Iowa, several dwellings were erected that season. The first was built by William C. James, and others were erected by P. J. McMahon, S. E. Williams, and J. P. Wagstaff. A two-story brick building was also constructed by Messrs. Lowe & Babbitt for a land office. In the latter part of the season Mr. Bayliss commenced the erection, just at the foot of the valley of Indian creek, of a brick hotel. It was finished during the fall and opened on Christmas day by Mr. Bayliss, who was its first landlord. It was named the Pacific House, and has ever been a popular resort for travelers from its first completion. It has since been greatly enlarged and improved by its enterprising owner, and is now one of the most spacious and convenient hotels in the western country.

On the evening of the 13th of May, 1853, a brutal murder was committed in one of the small valleys on the south side of Indian creek, since known as Glendale and now filled with handsome private residences. The name of the murdered man was Samuels, and that of the murderer, as given by himself, was Muir. Both were emigrants, on their way to California. The deed was discovered next morning, and produced a great commotion among the immense crowd of emigrants in the place. Although first placed in the hands of the sheriff, it was decided not to wait for the slow forms of the law to secure his punishment. A jury was therefore empannelled and as fair a trial had, probably, as could be secured in any court of justice at that day. A. C. Ford defended the accused, but the jury had no hesitation in pronouncing him guilty. Muir was then taken to a tree about twenty paces from the spot where he had murdered his victim. Rev. M. F. Shinn was called upon to administer spiritual consolation, but Muir refused anything of the kind. A rope was therefore fastened around his neck,

placed over a limb of the tree, and, after some hesitation, a Californian was found who fastened the other end around his mule's neck, and just as the sun was setting the body was seen suspended between heaven and earth. The glen was filled to overflowing with the people, drawn together by the novel and terrible spectacle. This, as far as can be ascertained, was the first murder and the first instance of lynch law that occurred within the limits of the city of Council Bluffs.

At the annual election, held in the summer of this year, Frank Street was elected county judge; W. D. Turner, recorder, and G. A. Robinson, prosecuting attorney. Judge Street had taken up his residence in the county early in the spring of that year. At the judicial election, held in the spring of 1853, S. H. Riddle ran for district judge and received a clear majority of all the votes cast, but, for some reason, the canvassers refused him a certificate of election, and he acted until the next election (in 1854, when he was again a candidate and elected) under a commission from Governor Hempstead. His predecessors in the office were James Sloan and A. A. Bradford. Although Judge Riddle's acquaintance with the technicalities and practice of the law had been limited, yet, being possessed of a very fair share of good, sound, common sense, he made a very good judge, and very few of his decisions were reversed by the supreme court.

The *Frontier Guardian*, as stated in a previous number, was the first newspaper published in Pottawattamie county. It was commenced in 1848, and continued to be printed for about four years, mainly under the charge of Orson Hyde. Although chiefly devoted to advocating the doctrines of Mormonism, yet it took quite an active interest in politics, generally supporting the whig party and candidates. In 1850 A. W. Babbitt started a democratic paper and called it the *Bugle*. He printed it for about two years, when it passed into the hands of J. E. Johnson, by whom it was edited and published for about four years. When Hyde went to Salt Lake, in 1852, he took a part of the material on which the *Guardian* was printed with him, the remainder going into the *Bugle* office.

Johnson was an active, wide-awake man—merchant, farmer, and publisher, and postmaster from 1853 to 1856. He devoted a large space in the *Bugle* to the advocacy of the local interests of the county, and his "*Bugle* notes" were widely copied all over the country. He was a Mormon, both in faith and practice, and although he tarried behind the great body of the church on its removal to Salt Lake, yet he also finally took up his residence in the southern part of Utah, where he is still extensively engaged in business. Johnson early opened a farm about four miles north of Council Bluffs, which he called "Ellisdale," and the columns of the *Bugle* were frequently redolent with praises, both in prose and poetry, of this suburban retreat.

On the 14th of November, 1853, the city of Council Bluffs was visited by a most destructive fire—the first and probably the most destructive that has occurred in its history. It broke out directly in the cluster of log and frame buildings situated at the head of Broadway, and in the very center of the business part of the town. Twenty-five buildings in all were destroyed, including nearly all the business houses. Among the sufferers were Stutsman & Donnell, Tootle & Jackson, B. R. Pegram, and a number of others. The office of the Council Bluffs *Bugle* lost a large quantity of type and other material. The total loss was estimated at \$18,000. Although occurring so late in the season, the work of rebuilding was at once vigorously commenced, and within a few months a large number of new and better buildings took the place of those destroyed; but, strangely enough, in just one year from the first fire, to-wit, on the 14th of November, 1854, a second fire occurred on the same spot, in which seventeen buildings were destroyed. In this fire the *Bugle* was again a heavy sufferer, losing two presses and receiving other very serious damage.

The public lands in Pottawattamie county were surveyed during the years 1851 and 1852. A land office was located in Council Bluffs (at first called Kanessville) early in the spring of 1853. Joseph H. D. Street was the first register, and Dr. S. M. Ballard receiver. They opened their offices in a log

building, and the first entry was made under the pre-emption law by Joseph D. Lane, the second by Joseph Busha, and the third by Mrs. Maria Mynster. This lady, having then recently lost her husband, who had made a pre-emption settlement on the public lands, determined, on his death, not to lose her claim to the tract, but, with her then infant son, took up her residence upon it, in a rude cabin hastily constructed, in which she remained long enough to enable her to secure the title, which she still holds. Mrs. Mynster still resides in the city; she has a will and mind of her own on all subjects, and, by her judicious investments at that early day, has secured for herself and family a handsome competency, and has always been regarded as one of the most respected and enterprising of the early pioneers of the county. The receiver was then required to make his deposits of money collected (only gold and silver were receivable in payment for land at Dubuque, and the journey to that place, across the country, was at the time a really serious, if not hazardous, undertaking, and occupied the time of the receiver for two or three weeks in making the trip. Subsequently, St. Louis was designated as the place of deposit, and thereafter, for several years, the gold and silver collected by the receiver was conveyed on board steamboats on the Missouri river. In the month of March, 1853, the number of acres of public lands entered was 3,810, in April 4,813, and in May 15,371 acres, all under the pre-emption law. The land district then comprised the entire western part of the state for a hundred miles east of the Missouri. Early in June the land officers were changed, Enos Lowe becoming receiver, and Lysander W. Babbitt register. Both had previously been residents of the eastern part of the state.

The first sale of government lands at this land office occurred on the 6th and 7th of June, 1853. It seems to have attracted very little attention, as only 1,300 acres in all were disposed of, and all at the minimum price of \$1.25 per acre. The speculators in the public lands had not yet turned their eyes so far westward, and consequently the rich and fertile

prairies of Western Iowa remained without buyers. Up to the first of January, 1854, 95,382 acres were sold. During the summer of 1853 Johnson & Casady opened a land office in Council Bluffs, the first to engage in that branch of business in the whole region west of Des Moines. J. D. Test was associated with them in the business early in the following year. These gentlemen each took a prominent part in the subsequent history of the county. Johnson, however, removed to Nebraska in 1854 or 1855, the business being continued by Casady & Test.

In the fall of 1853 about one hundred residents of Pottawattamie county crossed the Missouri river at Trader's Point, near the southwestern corner of the county, and, with a few Indian traders and others, held a convention at Bellevue, where an Indian mission had been established for several years among the Omaha Indians. At this convention it was resolved to petition congress for the organization of a new territory west of Iowa, to be called Nebraska. The meeting also appointed Hadley D. Johnson delegate to congress to urge the passage of the law. This, it is believed, was the first political convention ever held within the present limits of the state of Nebraska.

So far as can be learned, the first sermon preached in Pottawattamie county by an orthodox minister, was by Rev. Wm. Rector, of Fremont county, in the latter part of November, 1848. The Rev. Wm. Simpson, a Methodist clergyman, came to the county in 1850 in pursuit of horse thieves, and soon after was stationed at Kaneshville by the presiding bishop of the state. His field of labor extended over the entire territory now comprised within the limits of Fremont, Mills, and Pottawattamie counties. John Hayden was then presiding elder over the whole region west of Monroe county, and he faithfully traveled over his entire field, meeting with many interesting incidents connected with frontier life and his labors among the early pioneers. The Mormons were but poorly pleased with the appearance of a Methodist minister among them, and his residence in their midst was far from

being pleasant. Simpson seems to have met their hostility with a good deal of spirit, and, in his sermons, dealt them some pretty severe blows. One of his discourses was known as the "frog sermon," in which he compared the Mormons to the frogs described in Revelations, that "come out of the mouth of the dragon, and out of the mouth of the beast, and out of the mouth of the false prophet." The sermon greatly enraged Orson Hyde, and he sent Simpson a notice that he must leave within a very few hours, or his life would be in danger. The latter immediately called on the Mormon autocrat, and told him that he held him responsible for his life, and also for the protection of his property. The curse was thereupon immediately withdrawn, and Simpson continued his labors until the fall of 1852, acting during the last year also as presiding elder. He was then succeeded by Rev. Moses F. Shinn, who came from the eastern portion of the state, and was a man of great vigor and perseverance. He served in the double capacity of presiding elder and preacher in charge, for two years. He was assisted by the Rev. Mr. May a part of the first year, and by the Rev. Mr. Jennings a part of the second year. During the year 1863, the Rev. J. S. Rand also came into the county. Mr. Shinn's labors in 1853, and that of his assistant's, seem to have been crowned with a good deal of success, and quite a number of conversions occurred. In 1853, through the persistent labors of the minister, a frame building, of cottonwood lumber, was erected on the side of the hill, near the center of the town, which was used as a church for a number of years. In collecting funds to meet the expenses of its erection, Mr. Shinn was greatly aided by the ladies' aid society, of which Mrs. S. S. Bayless, Mrs. W. J. Coopes, Mrs. Frank Steel, and Mrs. M. F. Shinn were active laborers. They enjoyed the satisfaction of largely contributing to the erection of the first place of Christian worship in the county. All are still living, and all, with the exception of Mrs. Shinn, still residents of Council Bluffs.

In reference to the further religious history of the county, the Rev. G. G. Rice has kindly allowed me to make the fol-

lowing extract from a sermon preached by him in Council Bluffs on the 12th of September, 1869 : —

“ At the repeated request of the agent of the home missionary society, and under the patronage of that society, your speaker began his labors in this city on the 15th of November, 1851. It was then called Kanessville, and was a village of 2,500 or 3,000 inhabitants, but it resembled an encampment more than a regular settlement. No one thought of making this his home, but expected either to leave the following spring, or as soon afterward as they could get away. The houses were mere temporary shelters, without any other furniture than that of rude home manufacture. The people did not wish to have any thing to sell when they should break up to move, lest there should be no buyers. About four-fifths of the people were Mormons, and outside of the village they were in about the same proportion. The Mormons claimed to number about 15,000 in western Iowa, whilst those they classed as Gentiles were less than two thousand. The Gentiles living in the village were here, for the most part, for the sake of the spring trade, which the annual tide of emigration across here to California and Oregon afforded. The Sabbath was the day when there was more buying, selling, and general business transacted than any other day in the week.

“ Our first services were held in the court house on Madison street, attended by the Mormon elders and many of their members, but, as that house was otherwise occupied, at the hours most suitable for public worship, we rented a log house eighteen feet square, on Broadway, where the Bryant House now stands. Here we had preaching every Sabbath morning and evening, a Sabbath School in the afternoon, and a weekly prayer meeting on Wednesday evening. There were in the place at that time only two families of orthodox Christians. One was that of a merchant belonging to the Presbyterian church, in St. Louis; the other that of a Methodist minister. We all labored together, the Methodist brother preaching every alternate Sabbath. About fifteen persons

steadily attended the prayer meeting and Sabbath services, and many more were occasional attendants on the Sabbath. Twenty-five or thirty children were instructed in the Sabbath School.

“ In the spring of 1852 a large house was purchased on the north side of Middle Broadway, which we occupied jointly for over a year, and then sold, and formed separate congregations. Toward the last of March, emigrants for Oregon and California began to pour in by thousands. From that time until July, when the season for emigration was over, all was bustle and confusion. But little regard was paid to law, order, or the conventionalities of civil life. Gambling was as open as any other business, and their tables were sometimes set on the sidewalk and on the corners of the street. The first of July of this year, when the emigration had ceased, the town seemed desolate and dull, for scarcely five hundred people were left, and in the county were empty cabins and deserted farms. The cholera broke out, and a large number of persons died. But in the spring of 1853, the emigration brought us some strength, and on the twelfth day of June a Congregational church of eight members was organized. Five of them had previously been Congregationalists, two Presbyterians, and one a Free-will Baptist. In the autumn of 1853 the house which we owned with the Methodists was sold, and for the next year and a half, and until a new church was erected, your speaker held religious services in his own house on Middle Broadway.”

The end of the year 1853, in these notes, is now reached, and here we close our record until a subsequent number of the ANNALS.

EARLY EDUCATION OF IOWA MUTES.

BY E. BOOTH, ANAMOSA, IOWA.

To save explanation in the body of this article, it may be advisable to state, at the outset, that the writer hereof belongs to that class known as deaf mutes; was educated at the institution at Hartford, Conn., and was, afterwards and for seven years, one of the teachers of that school; also, and as this is intended for a historical, and not for an ordinary Magazine, matters will be introduced, and with some particular minuteness, that might otherwise, and with more propriety, be omitted.

In the spring of 1840, the site of what is now Anamosa did not contain a human dwelling of any kind. At the distance of a mile or more therefrom, and at a point now called Fisherville, stood a log house, about eighteen by twenty feet in size, owned by a company engaged in building mills such as were needed by frontier's men for grinding or sawing. The company consisted of Timothy Davis, of Dubuque, Gideon H. Ford, and George H. Walworth, the first and last named being then and subsequently well known in Iowa politics. There being no house within five miles of the place, Mr. Walworth brought two of his sisters from their home in Illinois, to aid in housekeeping. One of these sisters was a mute from New Hampshire and educated at the Hartford institution. Another mute, a young man, also educated at the same school, Mr. W. found at Alton and brought on as a skillful carpenter. The name of this young man was L. N. Perkins.

In May or June of the year above indicated, a brother-in-law of the writer, Col. David Wood, of Springfield, Mass., arrived with his family, and with him the writer decided to erect a frame dwelling—the first frame dwelling erected in the county, by the way—on the site of what afterwards became the town of Anamosa. The frame was pre-

pared at the mills, near the log house aforesaid, and in June or July we proceeded to dig the cellar.

One day while engaged in this latter occupation, in company with Perkins whom I had hired for the purpose, and no other person being present, the Sheriff of the county, Hugh Bowen, came along in his usual way on horseback. He stopped, dismounted, drew a roll of papers from a tin case and entered our names, place of nativity, etc., in the census of 1840. Having performed this doubtless agreeable duty of prying into every man's history, not to say his private affairs, the Sheriff remounted his horse and proceeded to the log house before mentioned, there to continue his pursuit of knowledge without the aid of a schoolmaster. While he was entering our names and all the *et ceteras*, I noticed that his paper was printed in the form usual on occasions of this kind and that he placed the proper figure under the head of deaf-mutes. I may add, in this connection, that he was an old acquaintance, a tall, rather slender man, with a wonderful nose, large, long, and beaked, with face almost as thin as a meat axe. He was a genuine good fellow, and an inveterate old bachelor withal; and was the first settler in the county, living at Bowen's Prairie, so named after him. He removed to Oregon some twenty years ago, and I have no information of him since.

The taking of the census was completed throughout the country, and in due season printed and laid before Congress and the public; this was three decades ago. Many persons now living will remember the storm which the publication of this census brought up. John Quincy Adams, former president, and then a member of the lower house at Washington, and others, as well as the newspapers, attacked it fiercely as having been manipulated in the interests of slavery. John Tyler was president through the death of Harrison, and John C. Calhoun was secretary of state; the office of secretary of the interior had not been created, and the census bureau had charge of census matters, subject to the control and supervision of the secretary of state. The abolition war was

raging in Congress and out, and southern politicians, and northern tools declared slavery divine, and the best possible condition for the blacks. To prove the truth of this latter assertion the census returns had been so perverted as—falsely—to show that a far greater proportion of the free blacks of the north were variously afflicted with physical infirmities than was the case with the enslaved blacks of the south; but possibly, because there were not enough blacks in some of the northern states, or because the fraud might too easily be detected, or because southern statesmen, in their ignorance of the real state of things in the north, supposed northern mutes were as generally uneducated as were those of the slaveholding regions, the mutes of the north were very liberally classed in the published returns as deaf, dumb, blind, idiotic, insane, and colored!

While the feeling on this subject of falsifying the census was at its height, I received a copy of the *Hartford Courant* in which was a communication, probably written by Mr. Weld, the principal, or some one of the teachers, giving localities of former pupils of the Hartford institution, and now published by the government as colored, and overwhelmed by all the ills that can afflict humanity. The mutes of Jones county, Iowa, that is, the writer hereof and the two mentioned above, I now learned for the first time were, in the archives of the government and for the information of the coming ages down to the end of time, described as “deaf, dumb, blind, idiotic, insane, colored.” I pause for breath!

There are those who are readily irritated at trifling annoyances, but bear great misfortunes with a quiet philosophy or a stolid indifference. The statement just quoted was too atrocious, too extravagant, and too absurd for indignation. It brought gently to my recollection the wrathful exclamation found in *Shakspeare*:

“Get thee glass eyes,
And, like a scurvy politician, seem
To see the things thou seest not.”

Years passed until 1847, and the territory of Iowa became a state. The subject of a school for the deaf mutes within our borders had occasionally crossed my mind and been dis-

missed as untimely. As a territory, nothing could be done save in a private way. Iowa being a state, provision could be made whereby mutes might have equal educational privileges with hearing children. But the state was neither populous nor wealthy enough to embark in costly schemes, and I therefore wrote to Thomas Officer, principal of the institution for the education of the deaf and dumb at Jacksonville, Illinois, to ascertain whether and on what terms his school would receive and educate the mutes of Iowa. His answer was favorable, the terms, I think, were one hundred dollars a year for board and tuition. This was during the early part of the session of 1848 and 1849, of the Iowa legislature.

On receiving Mr. Officer's answer I immediately wrote to Dr. Nathan G. Sales, then representing our county in the lower house, requesting him to inaugurate and press through a bill authorizing the sending to the school at Jacksonville such Iowa mutes as were of educational age, and before they became too old to enjoy this advantage at the same time stating that our new commonwealth was too young and not sufficiently advanced in population or ability to start a school of our own. Incidentally, and as a tolerably good joke, though at my own expense, and never dreaming of the use to which the doctor would put it. I told him that, by the census of 1840, all the mutes of Jones county were bound up in calf, and laid away in the government library, and published to the world as "deaf, dumb, blind, idiotic, and insane niggers," asking him at the same time, and he being a physician ought to know if he didn't, whether it was possible for a person to be at once idiotic and insane? In this letter I enclosed the one from Mr. Officer.

The Doctor, as he afterwards told me, read my letter in open session and there was a general laugh--as well there might be. He brought in a bill making provision for the education of the mutes and blind of the state, but met with opposition on the score of poverty. He therefore resorted to strategy. There was a bill providing for a sword for some officer who had distinguished himself in the Mexican war;

the Doctor made his vote for this conditional on the passage of the bill for mutes and blind. Having forgotten the name of the officer, I wrote to the Doctor, now a resident of Colorado, stating my object, and requesting him to give more minute particulars. Below I append his answer :

"GOLDEN, COLORADO, Sept. 6, 1871.

* * * * *

"Now to the mute bill of Iowa. In the year 1848, I having been elected to the house of representatives by the counties of Jackson and Jones, Iowa, and there being several mutes in my county, one of whom was Mr. Edmund Booth, a very intelligent gentleman, who, I learned, had formerly been a teacher in a deaf and dumb asylum in the east, who called to my mind the fact that in Iowa there was no provision made for the education of the mutes of our state, and spoke to me of the propriety of asking the state to make a small appropriation for the education of the mutes, in some asylum out of our own state as we had none in the state at that time; accordingly in the fore part of the session, the following December, I introduced a bill asking for an appropriation out of the state treasury, I think of two hundred dollars a year for the education of each mute and blind person of our state who would apply for it. I talked the matter up with the members for a short time; most of them considered it perfectly just, as there was no provision made by the state for mute and blind education; many said we were too poor to do it then, but after working for it several weeks, I concluded I had secured enough friends for it to put it through; so I had it brought up on its second reading, and to my surprise, several of the most prominent members, who had promised me to go for the bill, arose and made speeches against it, pleading the poverty of the state, &c. Notwithstanding I had previously, through the persuasion of these poverty-stricken members, inserted in the bill a clause (that I called a begging clause), providing that no mute, or blind person, should be entitled to the benefits of the act who was able to pay for his or her own tuition. When I found my bill was receiving such vio-

lent and unexpected opposition, and fearing it would be defeated if allowed to go to a vote, I moved it be referred to a select committee of three, with a Mr. Harrison, of Johnson county, as the chairman.

"In about an hour after my bill was so referred, the secretary of the senate reported a joint resolution having been passed by the senate, making an appropriation out of the state treasury of two hundred dollars, I think, for the purchase of a sword, to present to Capt. B. S. Roberts, of Iowa, for his bravery in hoisting the first American flag on the capitol of Mexico. The resolution was at once brought up and put on its passage, and I, yet feeling rather sore at the probable defeat of my first bill of the session, jumped up and opposed the resolution in a short speech, telling them, among other things, that it did not look consistent to be making presents to a man who was amply able to take care of himself, out of a treasury that was too empty to render any assistance to the education of the helpless mute and blind of our state. Judge McFarland, of Lee county, who sat near me, sprang up, and stated that his resolution was a matter of *honor*, and for the benefit of the constituents of the gentleman from Jones, he would call for the Y's and no's; I replied, that I did not care for his Y's and no's; and when the names were called, a Mr. Thompson, of Henry county, and myself were the only members voting no. After the passage of the resolution, I immediately stepped over to Mr. Harrison, to whom my bill had been referred, took it and drew my pen over and erased the begging clause, and asked him to report it immediately, as amended, which he did; and it coming up at once on its third reading, passed without a dissenting voice. On the reading of the journal the next morning, Mr. Thompson and I were induced to allow our votes to be changed, so they would appear on the journal, unanimous for the resolution.

"Yours truly,
N. G. SALES."

In what way the bill passed the senate I never learned, but it became a law, and appropriated fifty dollars to each mute

sent to the institution at Jacksonville; the parents or friends paying the balance sufficient to make up the one hundred required annually. It was the best that could be done at that time.

In the spring of 1849, I went to California, and returned in the spring of 1854. On inquiry, I ascertained that the law had been so changed as to allow to each mute one hundred dollars annually in the Illinois school. During my five years of absence, the state had grown remarkably in population and wealth, and I now thought the time had come for a school of our own. With this view, I again wrote to Mr. Officer, the principal of the Jacksonville institution, for data regarding the number of our own pupils, etc., and hinting at the establishing of a school in Iowa. Trouble in one of the lungs, resulting from a lung fever during student days, forbade taking the work of teaching on myself; I therefore wrote to David E. Bartlett, who was conducting a private school of mutes at Poughkeepsie, N. Y., stating how the matter stood, and suggesting to him to come and start a school for deaf mutes, at Iowa City, the then capital of the state. Mr. Bartlett had formerly been a fellow-teacher with me in Hartford, and I knew him to be abundantly qualified, he being by nature a hearty enthusiast in his profession, and having the love and respect of his pupils, and all the mutes of his acquaintance. To my great regret he declined the proposal, giving as reason, "age and seventeen little responsibilities," by the latter meaning his pupils. Knowing no other teacher of mutes, outside of the regular institutions, worth having, and knowing also that no teacher, properly qualified, naturally and otherwise, and connected with any established institution, would sever such connection for what might appear a Don Quixotic adventure into a frontier state, and the up hill work of starting a new school. I concluded to wait until near the time of the assembling of the next Iowa legislature, and then by letter or in some way interest a few of the prominent men of Iowa City in the project, induce them to bring the matter before the legislature, and obtain an appropriation for the founding of an

Iowa institution for the education of the deaf and dumb, to be located at the capital of the state. A foundation of this kind once laid, I knew there would not be the slightest difficulty in obtaining any one of the best teachers in the older institutions to take charge of it.

While I was waiting the lapse of a few months, and the coming of the right time, the Iowa City papers informed me that a Mr. Ijams, of the Jacksonville institution, had appeared, with the intention of starting a school for mutes. Of course my project went by the board, or rather went into abeyance until I could know the result of Mr. Ijam's action. I knew nothing of him, but knew well that teaching deaf mutes required peculiar qualifications, and in a large degree, the qualifications that pertain to an actor; once started, however, and under legislative sanction and fostering care, I was satisfied that things would eventually go well, whatever might be the case at beginning. Prominent men in Iowa City enlisted in the project; the legislature responded favorably, and success crowned the effort. With Mr. Ijams and his assistant teachers from other schools, much good resulted, as I learned by conversation with pupils during their vacation visits home. There were also unfavorable aspects, causing doubt regarding the management; but with so much grumbling in the world I did not wish to form any decided opinion. At the first state fair held at Iowa City, I attended and called at the institution a half hour every morning before the fair was fully opened. It was vacation, but a few of the pupils were present and with these I enjoyed an old familiar chat in the language of signs, also making the acquaintance of Mr. Ijams. During these visits, it became clear to me that a principal was wanted from some one of the older institutions, one who had a larger experience in teaching and larger acquaintance with the various schools and the modes of instruction. A few months later, Mr. Ijams retired and Mr. Benjamin Talbot, of the Ohio institution, was appointed instead. With Mr. Talbot I have no personal acquaintance, but all the reports regarding him and his management are favorable.

When it was proposed in the legislature to erect a new building and give the school a permanent location, Dr. Sales suggested to me to get up a movement in favor of its removal to Anamosa. "No," I replied, "public institutions are liable to mismanagement and abuse by those in charge, and it is essential to have this school at the state capital where it will be under the immediate eye of the legislature and the state officers." The Doctor acquiesced in this view and the institution went to Council Bluffs.

And now let me dispose of the politicians who have figured in this article. After serving a term in the lower house of the legislature, Dr. Sales was elected to the senate. This was in the days when democracy ruled in Iowa. He was next receiver in the land office at Chariton, which position he held three years and then resigned and returned to his home in Anamosa. He was afterwards elected mayor of the city, and ran for other offices. On one of these occasions we met on the street, and he said to me:

"I expect the votes of all you mutes, for I am the father of the institution for the deaf and dumb."

The effrontery of the remark was, for the moment, astounding in its effect. He was the leader of his party — the democratic, — the war of the rebellion was raging, and I was the editor of the only republican journal in the county. As soon as I could recover, I replied:

"I claim that honor; you was only my tool. If any other man had been in your place in the legislature, I should have sent my letters to him." He laughed, and admitted the justice of that view, and added:

"I always thought I was the father of that institution."

I passed on, marvelling at the impudence of politicians and the shifts to which they will resort for votes. As to the honor as mentioned above, I had never given it a thought. Each had done his duty in the premises, and each ought to be satisfied, and certainly I was. To do him justice, he was, and is an awful politician, on the democratic side, but is a good fellow in general, a man of wealth, liberal in the matter

of public improvements, etc. For many years he has been troubled with asthma, and, two or three years since, removed and fixed his residence in Colorado, finding there the only relief and freedom from chest and throat complaints.

Some time in the course of the rebellion, three or four lines in the newspapers announced the death of John Tyler, and that was all the notice the event received. He was merely a specimen of the nobodies we place in high position. John C. Calhoun died some years previous, an astute politician, and only half a man because, lacking a third story to his head, he was unable to understand that the world is governed by natural, or, as we say, moral laws. He was useful however; he combined, concentrated, and intensified all the strength and venom of slavery for its last grand struggle with freedom. In the encounter slavery was worsted and swept out of existence. He may still be of use, for, to quote Shakspeare again :

"Imperial Cæsar, dead and turned to clay,
May stop a hole to keep the wind away."

EARLY EXPERIENCE IN IOWA.

BY R. B. GROFF, MARENGO, IOWA.

I was standing on the hurricane deck of the steamer Potosi, on the morning of the 7th of April, 1845, looking out through a heavy fog for the soil of Iowa. Suddenly, large stacks of brick and mortar appeared in view, and the captain kindly informed me that these were a part of the city of Burlington. After a journey of twenty-two days in coming from Strasburg, Lancaster County, Pennsylvania, eleven of which had been spent on the water from Pittsburg, I was glad to feel safely landed. I was much pleased with Burlington. She had a beautiful situation surrounded by rich farming lands, which would eventually build up a great city. But I

had not sufficient means to pay the price then demanded for lots or claims. I borrowed a horse and rode out north-west from the city to get an outside view of the country. After riding beyond the Mississippi, I had my first introduction to the vast rolling timberless tracts of land called prairies. My first impression was that they were worn out old commons, like I had seen in old Virginia. But as there was no appearance of old houses or fences, I could not help asking myself how or when had they been so completely swept by the besom of destruction. On more close inspection I saw no ridges or open furrows usually seen in old worn out fields. Then the impression came home to my slow moving mind that this was the land cleared by the hand of nature for actual settlements, and dug up by living gophers!

On ascending a high ridge, I looked all around and could not help exclaiming, beautiful! beautiful! I saw a solitary house far in the distance surrounded by an ocean of land. It was an unfinished, inhabited log cabin. I do not know how long I had been riding, but this was the only house, and the inhabitant the only man, since I left Burlington. I hallooed, a hand slowly pulled aside the white sheet suspended over the hole intended for a door, and a long, lean, sallow visage crowned with a stack of uncombed hair, filled the opening; a long, heavy, greyish beard concealed the place where a mouth ought to be. I spoke several times before he made reply:—

“Where does this road go to?”

“Don’t go at all — *stays there!*”

“How far to Burlington?”

“Don’t know.”

“What is up that way?”—pointing in a certain direction.

“Columbus City.”

“Well,” I quickly replied, “I want to see the city.”

I rode on, looking in every direction to see the “city’s peopled towers.” I did not see any one, nor hear the sound of any human being. Occasionally a wild bird would start up at my horse’s feet, and, with a whirling, whistling motion,

violently divide the air. I was at first as much frightened as the birds, but as separation between us seemed so rapidly to widen, I felt perfectly secure. As the dusk of evening was collecting around me, looking from the summit of a ridge I fortunately saw a house, and made for that point with all possible speed. It was dusk when I arrived at the house. A short, heavy-set, unwashed man was standing in an opening in the side of a log wall. His pantaloons, shirt, and wamus were brownish linsey-woolsey; his pants were tucked inside the tops of huge boots that had seen many better days—*toes* looked out at one *end*, and *calves* at the other; knees peeped out of pants, elbows out of wamus; hatless, shirt collar open, hands clucked in huge pockets. A kind of half smile lingered around his almost beardless mouth, which was heavily coated with tobacco, the essence of which had flowed copiously down on his garments.

“Can I stay all night?”

“*Yes, sir.*”

“Have you anything to eat?”

“*No, sir.*”

“Why, how do you do?”

“*First rate — how do you do?*”

I had hominy, fresh pork, and milk for supper; the same for breakfast. Slept on the naked floor with my clothes on, while my head was supported by a huge, noisy machine (when I touched it) — the host said it was stuffed with prairie feathers. My horse was tied to the corner of the house, and fed with grass.

“What is the name of this place?” I asked.

“Columbus City,” was the reply.

There was but one house! In the morning I asked the distance and direction to Iowa City. He told me to go down the hill, cross the Iowa river, and go up on the east bank. The distance was about twenty-five miles. “Has it as large a population as this place?” I inquired. “Yes, it is *some* larger,” he replied. I determined to ride on and see for myself. I do not remember passing a house from Columbus

City to Iowa City. I arrived at the latter place about 4 o'clock in the afternoon, and put up at the Hawkeye House, kept by Mr. Gault. This place was so much larger than Columbus City that I felt very agreeably disappointed. The state capitol made quite a show, and many other buildings gave signs of advancement. While at the hotel I became acquainted with Abraham Bowman, from near Carlisle, Cumberland county, Pennsylvania. He persuaded me to go with him some six miles out of the city, on North Bend, to see his son Francis. We crossed the river and passed up on the south side, where Newcomb had commenced grinding, and entered the bend through the claim of Mr. Harles. Mr. Bowman was armed with a rifle, and near this place he shot one of the largest spotted rattlesnakes I ever saw. While we stopped we cut a forked stick, placed it firmly on the neck of the snake, and with another stick we critically examined its very curiously constructed teeth. I looked up, and some distance from us we saw a herd of deer prancing, playing, and sporting.

The next day we went out to see the timber and the rocks from which the stone had been derived for the capitol. Here there appeared to be a den for snakes, for numbers had crawled out from their winter nap, to be thawed out for summer business; they were so stiff they could not jump, so we killed thirty-two rattle and three garter snakes.

I bought a claim from Frank Bowman on eighty acres of prairie and fifty-seven of timber for twenty-five dollars. I returned to Burlington, brought my family on the bend, lived there nearly two years, and then sold out to Nicholas Zeller. I then moved to this place, where I have been living since the spring of 1847, in and near Marengo, Iowa county, Iowa.

ANECDOTES AND INCIDENTS.

The first court held near the county seat was held in my house. Judge Carleton presided. L. B. Patterson was prosecuting attorney, and R. B. Groff sheriff. The grand jury

was stowed up in the loft, and as the ceiling was high, and I had no ladder, Robert Murcheson lifted the men up till they caught the joist or flooring. Cleaveland, deputy sheriff, sat under the hole to keep them up. Fears were entertained that Hatcheson, sitting near the hole, might forget himself and fall through. To prevent this, the sheriff poked him up with a broom handle.

The first legal act performed, to my knowledge, was done by Horace H. Hull. A couple were to be married at Brush Run (now called Homestead). Hull had just received his commission as justice of the peace. The old blue book was the only statute. Hull inquired if the book was in the house, and a copy was presented. He searched the book to find the form of marriage, but, failing to do so, he handed the book to another, kindly requesting him to look. He failed. The company became impatient. Then the justice said: "We will have to try it." He (stepping close to the couple) said: "Please be *elevated*—rise up; join hands. And you," addressing the groom, "take this woman to be your wedded wife, to nourish, cherish, sustain, love, forsaking all others, and pertain eternally to her in death and sickness. Oh!—there is a mistake!—disconnect hands—*it was usual to inquire if any one has any objection.*" The father-in-law spoke up: "*I'll insure you no one has any objection.*" "Well," said the justice to the bride, "what do you think of these things?" She said: "I think they'll do." "I think so too," said the justice; "*you're man and wife.*"

Ex-Governor Stone on the bench.—In the morning, first business, motions. His Honor was calling in the usual way. When he came to a motion, Mr. J. D. Templin would rise up on end, and spread himself in an eloquent, long, windy, rambling, scattering speech, while his *honor* sat patiently, with his legs crossed on the desk. When Templin had finished talking, and sat down, his honor said "Well," as he took down one foot, and let it strike the floor hard. Then the other would go through the same process; and his honor said: "Mr. Templin, I see no *beginning, middle, or end to*

your speech ; but hereafter if anything comes up during court, in which you are interested, I will consider your speech as already made."

Rev. Israel L. Clark was preaching, on a warm summer day, and in the discourse he said : " I am beset on all sides by proper subjects for immersion. I am sorry water is so scarce. If I was surrounded with the pure, crystal, rippling, rumbling, bubbling Jordan, that immersed the Immaculate Son —" Bro. D. Sprague spoke up : " Father Clarke, *there is a large hole on Clear Creek !* "

Dr. J. Simon Frost and Mr. Taylor first attempted to stake off the lots in this city. they could get two stakes to range first rate ; the difficulty was to have three to exactly fall in line. Cyrus Sanders eventually came to perform the surveying. Frost professed to be a doctor, preacher, and millwright. The proprietor of the first mill above Iowa City told me the Doctor was preparing a frame-work to sustain a pair of ponderous burrs. " The owner told me," I modestly said, " the frame is not heavy enough for those heavy burrs." The Doctor quickly replied, " It is necessary for all ponderous machinery to have *elasticity* and *vibration*."

Mr. Headly moved from Clear Creek, Johnson county, Iowa, to Iowa county. He was a singular man, and professed to be acquainted with all branches of business. He was a doctor, preacher, &c. Rev. Israel L. Clark paid him a visit, and the two commenced a *very learned* discussion upon the advantages of education. Headley would talk, and gave Clark no chance to stick a word in edgeways. " Yes, yes," remarked Headly, "*edecation* is a first-rate thing — *first-rate* ; if I had not received a first-rate *edecation*, I'd have been almost an *idiot*." " Well," said Clark, " you didn't miss her much with all your *edecation* ! "

Judson Athey used to be fond of *metaphor*. He always had better things than any body else. He said he planted one-half bushel of potatoes of a new kind, and had a yield of eighty bushels. " Well," said Squire Brown, one of Athey's nearest neighbors, " I guess you dug some of my pota-

toes." As Athey was a class-leader in church (the preacher in charge told me), I kindly told Bro. Athey that these large stories did not become a Methodist class-leader. "Well, well," said Athey, "that's so; it is one of my failings, and I have shed *barrels upon barrels* of tears over it."

ANECDOTES FROM JUDGE WILLIAMS.

When I was holding court in Johnson county I got tired of calling "Territory of Iowa v. Mrs. Dupont," so I thought I would reverse the case—"Mrs. Dupont v. Territory of Iowa."

I received my commission as judge of the territory of Iowa while in Pennsylvania. The first court I held was in Cedar county. Some one placed a large split-bottom chair under a spreading burr oak, and I sat down to settle the county seat. I picked out the longest, leanest, lankest, ugliest looking man in the crowd for sheriff. He had a long beard, and when his mouth was closed no opening was visible, and when he spoke it looked like a hole in a buffalo hide. The grand jury sat down on the ground on the right, and the petit jury on the left. I impanelled the former, swore a bailiff, and sent them off to work. The bailiff took the jury to a large rail-pen and herded them in. They were about indicting a man for stealing hogs, when a Dutchman squealed out, "*I dont agree.*" At these words, an Irishman, springing to his feet and pulling off his coat, said: "I'll make you agree," and commenced pegging the Dutchman. The bailiff came running to me, saying, "Judge, Judge, the jury are all fighting." I went down, kicked open the fence, and sent them home, saying I would not have the county disgraced.

When I was in Jones county I was led into a slough where the grass was as high as my head. A chair was placed and I sat down, and they told me that was the county seat. I impanelled the grand jury, and they were taken down the slough to commence work. I was preparing the petit jury for work, when the bailiff of the grand jury came slipping up close to

me, and then hallooed: "Judge, is it right to have any body *snakin'*?" I did not know what that meant, so I inquired and said, "No, no.—have a picket guard placed at a certain distance to keep all sneakers off!"

RECOLLECTIONS OF THE EARLY SETTLEMENT OF NORTH- WESTERN IOWA.

BY N. LEVERING, GREENWOOD, MO.

(Continued from page 606.)

At the October election of 1857 John L. Campbell was elected county judge, C. E. Hedges, treasurer and recorder, L. Tacket, sheriff, and C. B. Rustin, county clerk. Judge Campbell was, at the time of his election, a partner of W. R. Henry, in the real estate business. He was very affable and genial, which, together with his suavity of manners, made him many warm friends. Soon after his election he was beset by a few pretended friends, who were eager to plunge their hands into the county treasury, and urged upon the judge the building of a county jail, and the issuing of county warrants to pay for the same. Yielding to the advice of friends, the spring following he awarded the contract at big figures to J. W. Bosler and C. E. Hedges. The building was to be of brick, two stories, and rooms sufficient for jailer and family. No other county warrants were to be issued for county buildings until the jail warrants were disposed of by the contractors.

About this time, S. H. Cassady erected a large and commodious two-story brick building in Sioux City at a very heavy expense, which so involved him that he found it necessary to sell the building for the liquidation of the many claims against him. As the county was having a fine jail for the reception of criminals, there was no good reason

why it should not have a fine court house to try them in, thought Mr. Cassady, and through the influence of Mr. Henry a sale was effected with Judge Campbell for the building, which was then known as "Cassady's Hall," for the sum of twenty thousand dollars in county warrants, which agreement became a part of the county records. This coming to the ears of Bosler and Hedges, who regarded it as a great invasion on their jail warrant interest, they were soon seen wending their way to the county judge's office, pouring out their vindictives on the county court so furiously and lavishly that an eccentric bystander remarked, that bitter oaths were heard coming up out of the earth around the judge's office for a month after. On their arrival at the judge's office they found the judge absent, and the records safely housed in a huge iron safe. They determined at least to show their willingness to annihilate all papers pertaining to the sale, and at once commenced a vigorous attack upon the safe, which offered resistance equal to the attack, when, after giving it a severe thumping for its unyielding qualities, they retired, badly demoralized, and with no visible improvement of morals.

Soon after this (as the judge informed me), Bosler called on the judge at his office, and requested him to accompany him up to the jail, which was then nearly completed, for the purpose of inspecting the work. When they had entered the jail, Bosler turned the key, and as the lock clicked said to the judge, "damn you, do you hear that," and in a menacing manner demanded a retraction on the part of the judge, as to the court house purchase, and a complete annulment of the entire contract. Bosler being of the inflexible, and the judge of the flexible character, and perhaps not wishing to be the first prisoner in his county lock-up, no doubt thought "give me liberty, or give me death" — the judge succumbed, and agreed to annul the purchase contract. Bolser was the first turn-key in Woodbury county, and the first man to put the jail to practical use. The contract was afterwards annulled, and in order that no trace or evidence of it should appear upon record, erasures were made, and some pages torn out, which gave the records

a very unsatisfactory appearance; no warrants had been issued on the purchase, as the county seal had very mysteriously disappeared. It was afterwards ascertained that F. M. Hubble, a young man employed in the treasurer's and recorder's office, had purloined the seal, and acted in the capacity of "keeper of the seal." In order to keep it secure, and prevent the manufacturing of warrants, he deposited it in the manure near the livery stable of J. C. Furber & Co.; it was afterwards resurrected and returned to the judge. Mr. Cassady then brought suit against the county for breach of contract, laying a heavy damage, which, after a hot contest by able counsel, he failed to sustain his case. He afterwards rented the hall to the county for a court room, and during the war it was used for hospital and commissary purposes.

In the spring of 1858, Isaac Pendleton, Patrick Robb, with two or three others, all graduates I believe, of Oxford college, started west to seek homes, where the field of operation was equal to their ambition, and where the prospects in the golden future would call out their best efforts and fully develop their abilities. They brought up at Sioux City, with the determination of making that point their home. Being short of means, they hired a small room on Douglas street, where they kept bachelor's hall. Pendleton and Robb had embarked in the profession of law, and soon swung out their shingles, and offered their services to litigants. Pendleton was, in politics, a radical, and Robb a democrat. They, as speakers, were both fluent and eloquent, evincing much ability as orators. The year following their settlement at Sioux City, they were nominated by their respective political parties, as candidates for the legislature; the canvass was warm and close. The *Sioux City Register*, a democratic journal, edited and published by F. M. Zebaugh, used its influence for Robb, and was unsparing in its efforts to defeat Pendleton; it commented much on the personal appearance of Pendleton, who was somewhat eccentric. He usually wore a plug hat, a forked blue coat adorned with brass buttons, a huge pair of boots the tops of which enveloped the lower extremities of his pants; he was poor, but

honorable and gentlemanly and always worked with a will to win. During the canvass, his blue coat rendered him as conspicuous and notorious as Horace Greely's white coat did him in early life. "Pen," as he was familiarly called, used to enjoy the "blue coat persecution," by his political enemies, and would laugh heartily over it, and say that he found out west much depended on the style of one's hat and the cut and color of his coat, even in politics. We do not mention this as any discredit, but to remind the reader that we are not to always judge a man by his outward appearance. "Pen" made his mark, and was soon ranked among the ablest and most prominent speakers and orators of the state. The election over, and Robb was elected by a meager majority — from six, to twelve. Mr. Robb was afterwards (in 1860 or 61), nominated by his party, as a candidate for register of state land office — but defeated. Pendleton, was elected judge of the judicial district in which he resided, which position he filled commendably to himself, and to the entire satisfaction of the public, displaying more legal ability than had been accredited to him.

About the middle of March, 1860, J. L. Swiggett commenced the publication of "*The Sioux City Times*," a republican paper, the first political paper of the kind published in Woodbury county. Pendleton mounted the tripod as editor, and wielded the pen with much ability. It was run for about nine months, and through the Lincoln campaign, at which the county election for the first time gave a republican majority. *The Times*, it was claimed, aided very materially in bringing about the change. When the "*Times*" was numbered among the things that were, Pendleton found himself minus about two hundred dollars, and Swiggett plus from two to three hundred more than when he commenced.

During the years 1858, 1859 and 1860, the Saunttee Sioux Indians became very troublesome to the settlers of northwestern Iowa. They made frequent raids on the settlers, stealing their most valuable stock, and not unfrequently murdering some of the unoffending citizens. So frequent and alarming were those depredations, that in the spring of 1861, it was

thought necessary to use military force to awe the savages into subjection. Accordingly, a company of "home guards" was formed, out of the citizens of Sioux City and vicinity. Gen. Wm. Tripp, who had rendered his country bloodless service in the state of Maine, as a militia officer, was chosen captain, Dr. W. R. Smith, first lieutenant, A. J. Millard, second lieutenant, G. W. Chamberlin, orderly sargeant, J. Hipkins, second sargeant, together with the other necessary non-commissioned officers whose names are now not remembered; all classes and professions were represented that lived in the county. The withdrawl of the troops from the garrisons in the upper country about this time seemed to give the foe additional courage to augment their hostilities; rumors of depredations began to multiply along the valleys of the Little Sioux, and Floyd rivers. Governor Kirkwood, having been apprised of the increasing hostilities of the savages, and fearing for the safety of his frontier borders, odered out the "home guards" into active service, for the purpose of giving these vile miscreants of the forest a severe castigation, and learn them by sad experience not to trample upon the powers that be. His excellency designated our company (I say our company, as I had the distinguished honor of holding the position of high private in it), as company A, and assigned it to the first regiment of state troops. He changed the name, however, from "home guards" to "frontier guards." The state troops were placed under the command of Caleb Baldwin, of Council Bluffs, who acted as the governor's aid. His corporeal being too much of the oleaginous character to race Indians of the western prairies, his excellency no doubt bethought himself, that a "lean man for a long race," and superseded Baldwin, by Hon. A. W. Hubbard, of Sioux City. The guards, soon after their organization, were ordered out on the "war-path." On receipt of the order, Capt. Tripp was absent, and the command devolved on Dr. Smith, first lieutenant, the great "medicine man," who was soon seen mounted on his war-steed, at the head of fifteen or twenty of his braves, who were panting for the blood of their enemies. We well remember our reflections upon our

good fortune, that we were not among the first to be ordered out to be welcomed by the "Lo" family with bloody hands and inhospitable graves. Like Henry Ward Beecher, during the great rebellion, who said it was necessary for some to go to fight "rebs," and some to stay at home and take care of the women and children, and for his part he would choose the latter, and we were left at home to protect the ladies.

This grand cavalcade of braves took up their line of march for the tented field of the Little Sioux valley, and after four or five days toilsome marching, and strategic movements, to intercept some of the Lo family, they returned in good martial order with the great "medicine chief" at their head, covered with glory, and their scalps in good state of preservation.

They had hardly finished recounting the deeds and exploits of a bloodless campaign, when they were again startled by the tocsin of war again sounding in the valley of the Little Sioux, and the cry of the settlers that "Indians are upon us; come over and help us." The response was echoed back in *good military style*, "we will come." Our brave captain had now returned to fight, bleed, and die with his brave "countrymen and gentlemen soldiers," as he delighted to call us. We were soon on our prancing war steeds, and making rapid strides in the direction of the bloody foe. Arriving in the Little Sioux valley, our captain—in order to give ample room and opportunity for his brave soldiers to make a full display of their courage—divided them out in small squads in the different settlements along the river. Sergeant Stevens was stationed at the house of Morris Kelloggs, at Correctionville, and had under his command, N. Pratt, Adam Falk, Wm. Roberts, and Isaac Pendleton, editor of the *Sioux City Times*, who had exchanged the quill and scissors for the musket and scalping-knife. At night the sergeant quartered his braves in the house, removing some of the chinking from between the logs, in order that they might discover through the orifice any approaching enemy. Pratt being an elderly man was permitted to retire to bed up stairs.

A guard was posted,—it was a bright moonlight night,—Roberts was on guard; about two o'clock in the morning when looking through a crack in the wall toward the stable which stood a few rods from the house, he discovered a fine specimen of the Lo family stealthily approaching the house. He moved very cautiously, making a few steps softly, and then stopping to listen. After he had came up between the house and stable, he halted for a few moments, and hearing no alarm he returned to the corn field just in the rear of the stable, when the guard quietly awoke the sargeant with the startling intelligence that “the Indians are upon us,” who in turn aroused the remainder of his command, who were luxuriating in the arms of Morpheus. Now was a test of pluck for the first time, but they faltered not, and came to the scratch as come brave men. They were placed in position around the room; Pratt at the window up stairs, Roberts at the door opening toward the stable. The door was set ajar so that full range of the enemy could be had. Pendleton took his position a little back of Roberts, and in range of the opening. No sooner were they placed in position when four of the enemy approached the stable door, which was in range of the deadly missiles in the hands of our soldiers, when they tried to open the door, evidently, for the purpose of stealing the horses within; finding it chained and locked they produced a file and commenced filing on the chain, when Kellogg said in an excited manner, “I see an Indian.” No order had yet been given to fire, but on this remark from Kellogg, Roberts fired, the others following. The Indians immediately returned the fire twice in rapid succession; one was bullets and the other buck-shot and slugs. One buck-shot, or slug, took effect in Pendleton's head, striking him in the forehead to the left and ranging around the skull to the back part of the head and one lodging in his cartridge box. Roberts was also wounded, a ball striking him in the left side, and ranging around on a rib, fracturing it considerably. The Indians made good their escape, notwithstanding, hotly pursued by our soldiers.

Mr. Pratt had fine range at the enemy from the window where he stood, and brought his yeager to bear upon them, when to his surprise it failed to do its deadly work; again and again he snapped, but no response from the powder within, when after the enemy had fled, and the excitement died away, he proceeded to make an examination of his old yeager, and found that he had omitted putting a cap on it; this created much amusement for the balance of the company. The next day the wounded were removed to Sioux City and placed in charge of Dr. A. M. Hunt, the surgeon of the company.

The news of this little engagement ran through the border counties like fire in stubble,—the whole country was in a state of excitement. The following appeared in the *Crawford Recorder*, in Crawford county, which we subjoin:

“ Full Particulars of the Indian Troubles! Two Men Dangerously
Wounded! Sixteen Horses Stolen!

“ The rumor of last week, that the Indians had made their appearance from thirty to fifty miles northwest of us, along the Maple, Little Sioux, and Floyd, is confirmed, with full particulars. The first of April, ten horses were stolen at Smithland, and five of them recovered. The last of April, there were two stolen at Mapleton,—not recovered. The first of June, five were stolen on the Floyd,—not recovered. The middle of June, two were stolen at Correctionville, and two at Ida Grove the same night,—not recovered; making sixteen horses in all, that have been driven off by Indians, or white animals in indian disguise, and not recovered. This last depredation resulted in seriously wounding two of the soldiers ordered out from Sioux City by Judge Hubbard, one of them it is feared fatally. As one of the wounded is no less than our friend Isaac Pendleton, the able editor of the *Sioux City Times*, a lawyer, orator, and gentleman, of whom his county and, we trust, the state may yet be proud; a more detailed account may be of interest.

“The Indians had divided off in squads at different points, where they wished to make their depredations, — at Ida Grove, Correctionville, and points in those vicinities. Committing their plunder at night, they would be out of ordinary reach in the morning. At one point between Smithland and Correctionville, four Indians with cattle, were surrounded by six men on horses, and were about being taken, when they escaped upon the opposite side of the river, and then fired upon their pursuers, killing instantly a horse under the rider, and thus escaped.”

Judge Hubbard, of Sioux City, has been authorized by the governor, to organize a company of infantry and one of cavalry, for such occasions. The Judge has ordered the companies to hold themselves in readiness for action at a moment's warning. Indian troubles thus commenced, it is hoped, will soon be terminated. At the same time, prudence would seem to dictate the immediate organization of HOME GUARDS in each county; and we have no doubt but that the citizens of Crawford will be found at their post, with such arms as they may have; and after the FOURTH, be ready as minute men in all parts of the county, to give warning of the approach of red men, and to rush with justice in their hands.

[TO BE CONTINUED]

A POLITICIAN OF THE PRIMARY DAYS.

BY HAWKINS TAYLOR.

Some of the early settler and active politicians of the early days of Iowa should be recorded. Amongst the number is S. C. Hastings, now one of the *solid men* of California. Hastings came from the central part of New York to Iowa as early as 1836, and settled in Buffalo, then in Dubuque county

where he remained until 1838, when he went to Bloomington now Muscatine. Hastings was peculiar in all things; he was very tall and as straight as a bean-pole, had long black hair, dark complexion, expressionless countenance, was cool and deliberate in all things; a good lawyer, calculated to win, for he had plenty of brains without conscience, and was a good whisky drinker, and remarkably plausible in all things. Governor Hempstead during the first Iowa legislature (then a councilman from Dubuque, and Hastings a member of the house from Muscatine), took great delight in telling about his first meeting with Hastings; it was some two years previous. Two horse thieves had been caught in the act of stealing two horses in Dubuque county; they were put in jail, but saw no lawyer until the meeting of court, when they sent for Hempstead. When Hempstead saw them they told him that they had a lawyer that they had expected before that time, but as he had not got there, they feared that he was sick and could not come; they asked Hempstead to keep off the trial until they could hear from their lawyer.

The next morning soon after the court opened a tall dark visaged suspicious looking character entered the court room and looked around with a searching scrutiny, until he appeared to understand the situation, when he asked for Hempstead, who being pointed out, he approached and announced his name as Hastings, the attorney for the two persons held as horse-thieves. Hempstead introduced him to the sheriff when he went and saw his two clients. The next morning the two prisoners were brought into court and pleaded not guilty to the charge of horse-stealing, and swore that they could not safely proceed to trial for the lack of a material witness. The case was continued. Hastings brought forward a man who swore that he was free from all just debts and claims against him and worth the sum required as bail. Hastings, the bail, and the two horse thieves left on the same steamboat, and neither the horse thieves, bail, or attorney had been heard of in Dubuque thereafter, until he met Hastings as a member of the legislature.

The first time that I met Hastings was in November, 1837, as a brother delegate to the territorial convention that met in Burlington that time to memorialize Congress for a separate territorial government, pre-emption laws, boundary question, etc., etc. We both put up at Mrs. Parrott's and were put in a filled room of some half dozen beds, and two to a bed, and some times more; for if we got up to go down for that which was common through the night, some one else was very sure to take his place before he got back. Hastings had the chills and made several trips that night for medicine; chills were one of the pleasures of Muscatine at that day, but he did not appear to mind them much; he said by filling in a yard or two of red eye that he could manage the chills easily, in fact that they were rather a pleasure, but it was hell in the fever. The next year he turned up as a member of the legislature from Muscatine county. Gov. Lucas had settled in, and was very popular in Muscatine, and his friend Frierson, a good man, was the other member from that county; Hastings was an active member during the session, at first the earnest friend of the governor in his fight with the legislature and then a most bitter enemy. During the session of the legislature Hastings had several hundred dollars in counterfeit money; he was the acknowledged employed attorney for the numerous bands of thieves and counterfeiters that at that day infested the upper Mississippi, and that he might not himself be cheated, and also know whom he was to defend, a bill of each new counterfeit issued was sent to him; he did not deal in the article, at least he said so, he only defended those that did. There were many curious incidents of Hastings in that legislature, but they will be more appropriate in an article on that session. At the end of the session the people of Muscatine county appeared to be unanimous in denouncing him for his opposition to Governor Lucas, and in their praise of Frierson. Hastings swore that he would never be a candidate again, but as the election approached in the fall, and candidates for the legislature began to announce themselves, Frierson was the universal favorite, Hastings still pretending that he would not be a candidate; but he was active in get-

ting other candidates out in all parts of the county, assuring each one of his support. There was no party nomination then. Amongst the candidates was Tim Clark, a citizen of Moscow. Tim was a whig, and a good fellow. He says before the election, Hastings announced himself as a candidate, and sent runners to each neighborhood in the county to work for him. He had previously arranged with Clark — privately and confidentially — to unite with him in mutual support. The result was, that Hastings and Clark were both elected, and Frierson was defeated.

Hastings was afterwards elected to congress for one session. Up to that date it was the custom to give members of congress such stationery as they needed, leaving the amount to their own honor. After that session, however, the law was changed, giving them a certain sum, that they could either take in stationery or money. It is said that the amount *needed* by Hastings that winter induced the passage of that law. That is the only good law of congress that can be placed to his credit, I believe. After that he was for a short time supreme court judge. For many years Governor Lowe and Hastings lived in Muscatine. Lowe ranked as the first lawyer in that part of the state at that time. Probably no two men were more unlike than Lowe and Hastings,—the one a temperance whig, the other a whisky democrat — the one, honor itself — the other,— well, I will not say in this article.

At that time, Joe Leverage was the captain of the mass of Hastings's clients. Joe lived out somewhere in my friend Tuthill's county, and the grand jury charged him with taking a horse that did not belong to him, and the chances were that the fact would be proven on him. Joe concluded that it would not do to risk Hastings — he needed a better lawyer, so he employed Governor Lowe, and Lowe objected to having Hastings associated with him. Lowe examined the indictment and said that it was not good. But Joe was uneasy,—he was like the Irishman that feared justice,—and each day of court he would go to Lowe and suggest that it might be best

to employ Hastings, but Lowe would not agree to it. Finally, Lowe got so vexed that he told Joe that he would give up the case, and that he might employ Hastings. "Oh, no! oh, no!" says Joe, "I can't do without you," and, lowering his voice to a whisper, he said, "It may become necessary to steal the indictment." Lowe told him that if that was the object, he must employ Hastings or some one else than himself. Joe got off without the indictment being stolen.

Before Hastings was elected to congress he joined the Methodist church, but he left his robes in Iowa. Since in California he was for a short time on the supreme bench. He is now a devoted Catholic (at least, he says so), has made a large fortune, and is, of course, respectable, as all men of wealth must be. Hastings only lacked honesty, principle, and a conscience to have made him one of the first men of the state. I do not suppose that his wealth in California has paid him for his loss of position in Iowa, even in his own selfishness and selfish nature.

EDITORIAL NOTES.

— LET every subscriber in arrears to the *ANNALS*, to whom these presents shall come, immediately remit the amount of his indebtedness to the Corresponding Secretary of the Historical Society, at Iowa City. The three numbers for this year previously issued have paid their own way, and it is very desirable, for many reasons, that the fourth should do likewise.

— INTO what remote recesses and into what diversified departments of business do not the influences of the Chicago fire penetrate? That leviathan calamity is our excuse for tardiness, and for sending this number forth unembellished with a portrait. The destruction of the Chicago printing establishments threw extra work upon our publishers, and the early October heats at Chicago scotched the plate of John Scott.

— A TITLE PAGE and index for volumes VIII. and IX. are printed with this issue, to enable those who have preserved their numbers for the past two years to commit them to the binder's hands, to be fashioned into more durable, comely, and convenient form.

— WE hope to be able to give our readers, in the next number, a portrait and biographical sketch of the Hon. Philip Viele, of Fort Madison, one of the oldest of old settlers, and one of the most honored of Lee county's citizens.

— OUR generous contributors, as our overflowing pages well attest, have obviated the necessity of dry and lengthy "Editorial Notes." May it be ever thus.

— BEFORE we let the curtain drop, let us suggest to our friends that if each paying subscriber will secure another, and see that both dollars are sent, the *ANNALS OF IOWA* will stand not only a permanent but an independent basis.

Another word in your ear. Let every friend of the Historical Society request the person or persons by whom he is to be represented in the legislature this winter to inform him or themselves as to the work done in the past and to be done in the future by the Society. So that when a just appropriation is asked for, members may be enabled to vote intelligently.

